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The Writings of Thomas Jefferson

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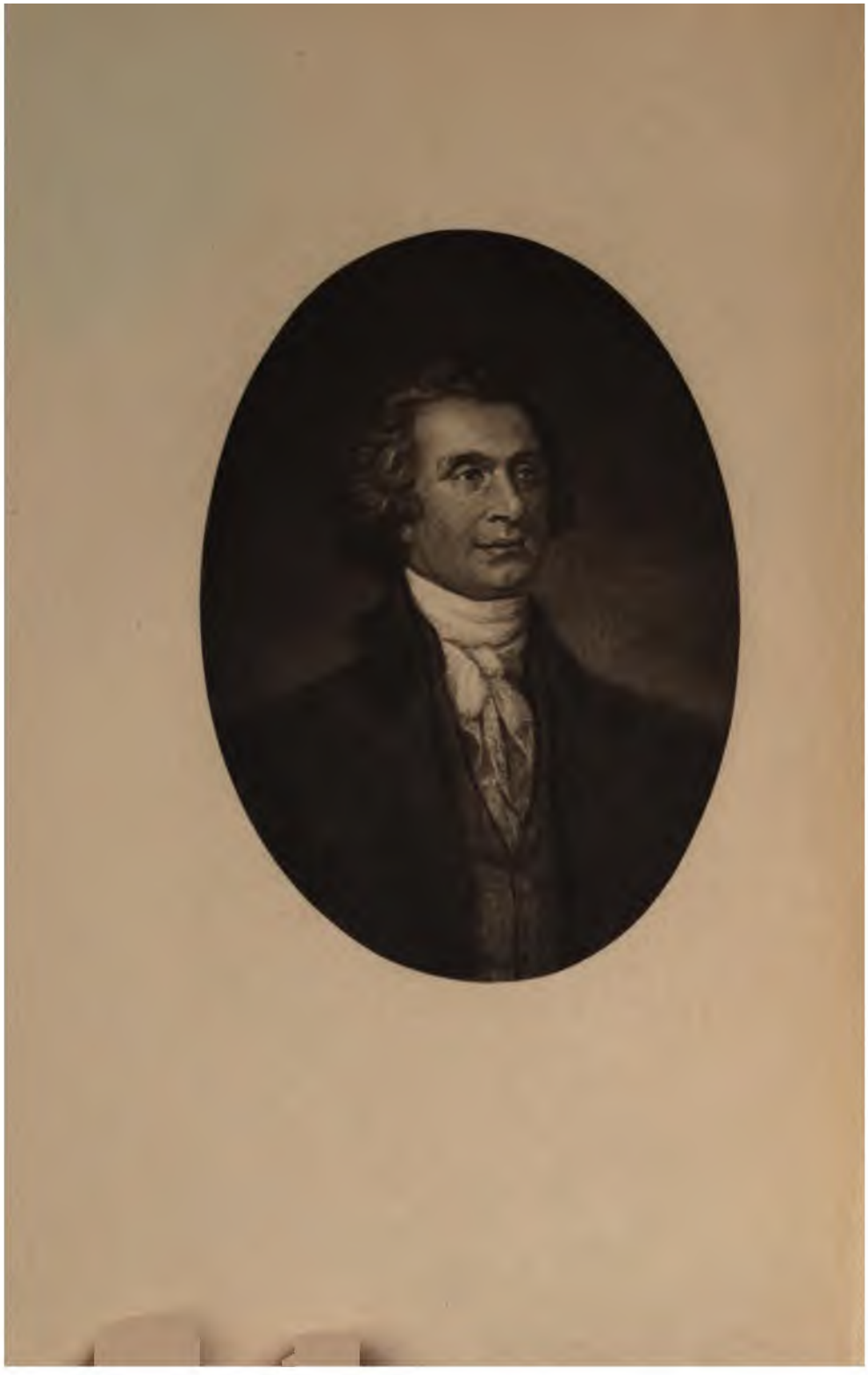

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JEFFERSON AND THE LAND QUESTION.

Jefferson is a pole star among political philosophers because he based his politics on the eternal, self-evident, fundamental truths that all men are created free and equal and that they are endowed by their Creator with certain inherent and unalienable rights, among which are life, liberty and the pursuit of happiness. How are the rights of life, liberty and the pursuit of happiness primarily to be exercised? Not in the political field, but in the underlying social field. How shall a man get an independent living precedes how shall he participate in general government. He cannot exercise, or fully exercise, his political faculties until, without let or hindrance, he can get sustenance.

Hence Jefferson's political axiom involves as a prerequisite a social or economic axiom, without observance of which political institutions can be only as a house built upon the sand. This economic axiom is that men have equal rights to natural opportunities, to land. On land mankind must have its habitation and from it it must draw subsistence. Nowhere else, from no other source, can it live. Therefore, the rights of life, liberty and the

pursuit of happiness carry with them the inherent, unalienable, equal right of all to land.

If this economic principle is not in the general mind associated with Jefferson's doctrine of democracy it is only because he did not give it prominence. When there was seeming need he set it forth explicitly and clearly, but this was rarely. Was there not in his day unappropriated land in superabundance? Why inject into the domain of war issues, into the intricate and difficult business of the founding of a nation and the construction of a radically new form of government, the abstract question of equal rights to land, when as a practical fact plenty could be had by anyone for the mere taking?

In Jefferson's day a small population lay scattered along the Atlantic seaboard. The great virgin, unappropriated, and for the most part unexplored, continent, three thousand miles broad, stretched west, open to the pioneer and the settler. Of land there appeared enough for scores of generations to come. The nation was agricultural, and whoever desired it could have a farm by moving into the trackless wilderness and making a clearing, which more and more were doing, thereby showing their freedom from dependence upon the established centers. They faced the sunset and moved out along the Ohio and the Mississippi.

Although a man of great and varied learning and polished culture, Jefferson was in spirit a frontiersman. He had a strong affinity for the rugged,

independent pioneer and settler. He was a graduate of the oldest, and, at that time, richest institution of learning in America, the College of William and Mary, near Williamsburg, Virginia. By inheritance he was for that day a well-to-do man. By this and marriage and social connections he belonged to the wealthy planter class, which, relieved from toil for subsistence, could yield itself to the ease, graces and refinements of life. Jefferson's alert, powerful, acquisitive, analytical mind found this a most suitable soil for its development.

An environment so stimulating to intellectual growth might also be expected to take a subtile, invisible hold on the mind and make of its beneficiary its votary and creature. But while fully conscious of the charms of its warm and tranquil atmosphere, Jefferson was early aware that the wealthy planter class was the bulwark in Virginia and the South of the British Crown tyranny and the buttress there of the Established Church, which falsely gave the sanction of religion to such tyranny and preached submission to the rulers God had raised over the people.

The resistance that early germinated in the free, bold mind against the usurpations and abuses of the British Crown thus came at length to include as a whole the planter class and their established priesthood. As Moses, adopted Prince in the house of Pharaoh, next in blood to Royalty, struck dead the Egyptian taskmaster, and, turning his back

upon pride and circumstance of power, led forth the Hebrew slaves into the desert toward the Promised Land, so Jefferson, moved by anger and scorn against the planter class for its fellowship and partnership in the tyranny of the Crown, threw off its allurements, so congenial to his tastes and habits, and allied himself absolutely, unreservedly, actively, permanently with the wronged masses. In the struggle in that agricultural community between the "planters," or large landowners, and the "settlers," or small landowners, Jefferson's heart was always with the latter.

It was the old fight in a new form—the antagonism between the silk stockings and the wool hats, between the red heels and the sabots. Jefferson, by fortune and culture, of the silk stockings and red heels, consciously, deliberately, with definite and fixed purpose, sided with the wool hats and sabots. It was in some degree as if a French seigneur under the ancient régime had rejected place and power to preach the destruction of privilege on the one side and the upraising of the trampled and despised on the other.

But this comparison of Jefferson with the French noble can be only in degree, and in slight degree. The social disparity, so extreme in the old world, was but faintly marked in the new. The rich men of America were of but moderate means beside the rich of Europe, while the poor were greatly better off here than there. "From Savannah [Georgia]

to Portsmouth [Maine]," said Jefferson in his "Notes on Virginia," "you will seldom meet a beggar. In the large towns, indeed, they sometimes present themselves. These are usually foreigners who have never obtained a settlement in any parish. I never yet saw a native American begging in the streets and highways. A subsistence is easily gained here." To Claviere he wrote: "I attended the bar of the Supreme Court of Virginia ten years as a student and practitioner. There never was during that time a trial for robbery on the highroad, nor do I remember ever to have heard of one in that or any other of the States, except in the cities of New York and Philadelphia immediately after the departure of the British army. Some deserters from that army infested those cities for awhile." In the "Notes on Virginia," Jefferson compared social conditions. "So desirous are the poor of Europe to get to America, where they may better their condition," he said, "that, being unable to pay their passage, they will agree to serve two or three years on their arrival there, rather than not go. During that time they are better fed, better clothed, and have lighter labor than while in Europe. Continuing to work for hire, a few years longer, they buy a farm, marry and enjoy all the sweets of a domestic society of their own."

The fact that Jefferson always kept clearly in mind was that "a subsistence is easily gained here." He explained this by the first principles of political

economy, namely, that men had easy access to natural opportunities. To John Jay he wrote: "We have now lands enough to employ an infinite number of people in their cultivation. Cultivators of the earth are the most valuable citizens. They are the most vigorous, the most independent, the most virtuous, and they are tied to their country and wedded to its liberty by the most lasting bonds." In the "Notes" he said: 'In Europe the lands are either cultivated or locked up against the cultivator. Manufacture must, therefore, be resorted to, of necessity, not of choice, to support the surplus of their people. But we have an immensity of land courting the industry of husbandmen. * * * Those who labor the earth are the chosen people of God if ever He had a chosen people, whose breasts He has made his peculiar deposit for substantial and genuine virtue. It is the focus in which he keeps alive that sacred fire, which otherwise might escape from the face of the earth. Corruption of morals in the mass of cultivators is a phenomenon of which no age nor nation has furnished an example."

And because manufacturing called for condensed population and seemingly more or less dependence for employment, and since "dependence begets subservience and venality, suffocates the germ of virtue and prepares fit tools for the designs of ambition," manufacturing was to be avoided. But as he explained later to J. Lithgow, concerning a revised edition of the "Notes," he did not

intend an indiscriminate denunciation of manufacturing but had in mind the possible future repetition in this country of the conditions he beheld in Europe, where "the manufactures of the great cities * * * have begotten a depravity of morals, a dependence and corruption, which renders them an undesirable accession to a country whose morals are sound." "But," continued the philosopher, "as yet our manufactures are as much at their ease, independent and moral, as our agricultural habits, and they will continue so as long as there are vacant lands for them to resort to; because whenever it shall be attempted by the other classes to reduce them to the minimum of subsistence they will quit their trade and go to laboring the earth." And to James Madison, his closest friend, he wrote from Paris in this same line: "I think our governments [Federal and State] will remain virtuous for many centuries—as long as they are chiefly agricultural; and this will be as long as there are vacant [unappropriated] lands in any part of America. When they [our people] get piled upon one another in large cities, as in Europe, they will become corrupt, as in Europe."

These were not accidental remarks or passing views of the great American. They were the conclusions of observation and thought—thought that was extraordinarily far reaching in its consequences. Writing to Madison from Paris, where, he said, they were immersed in a course of reflection "on elemen-

tary principles of society," he remarked that he was led to a consideration of the question "Whether one generation of men has a right to bind another," —a question "that seems never to have been started either on this or on our side of the water." "I set out on this ground which I suppose to be self-evident," observes Jefferson, "that the earth belongs in usufruct to the living, that the dead have neither powers nor rights over it. * * * On similar ground it may be proved that no society can make a perpetual constitution or even a perpetual law. * * * Every constitution, then, and every law, naturally expires at the end of nineteen years. If it be enforced longer, it is an act of force and not of right. * * * This principle that the earth belongs to the living and not to the dead is of very extensive application and consequences in every country, and most especially in France. It enters into the resolution of the questions: Whether the nation may change the descent of land holden in tail? Whether they may change the appropriation of lands given anciently to the church, colleges, orders of chivalry and otherwise in perpetuity? Whether they may abolish the charges and privileges attached on lands, including the whole catalogue ecclesiastical and feudal? It goes to hereditary offices, authorities and jurisdictions; to hereditary orders, distinctions and appellations; to perpetual monopolies in commerce, the arts and sciences; and a long train of *et ceteras;* and it renders the question of

reimbursement a question of generosity and not of right."

This argues that one generation has no right to make land laws, or any other kind of laws, for another generation. Far in advance of general thought as this was, Jefferson did not stop here, but pointed out the fundamental right to land of individuals composing any generation. This he wrote, also from Paris, to the father of Madison, the Rev. James Madison: "The property of this country [France] is absolutely concentrated in a very few hands, having revenues of from half a million guineas a year downward. These employ the flower of the country as servants, some of them having as many as two hundred domestics, not laboring. They employ also a great number of manufacturers and tradesmen, and lastly the class of laboring husbandmen. But after all there comes the most numerous of all the classes, that is, the poor who cannot find work. I asked myself what could be the reason that so many should be permitted to beg who are willing to work, in a country where there is a very considerable proportion of uncultivated lands? These lands are undisturbed only for the sake of game. * * * Whenever there is in any country uncultivated lands and unemployed poor it is clear that the laws of property have been so far extended as to violate natural rights. The earth is given as a common stock for man to labor and live on. If for the encouragement of

industry we allow it to be appropriated we must take care that other employment be provided to those excluded from the appropriation. If we do not, the fundamental right to labor the earth returns to the unemployed."

Could language be plainer or meaning clearer? "It is too soon yet," continued Jefferson, "in our country to say that every man who cannot find employment, but who can find uncultivated land shall be at liberty to cultivate it, paying a moderate rent. But it is not too soon to provide by every possible means that as few as possible shall be without a little portion of land. The landowners are the most precious part of a state."

Jefferson thought legislators could not "invent too many devices for subdividing" land holdings. Such a device was invented and eloquently advocated by the most learned men of France of that period, headed by Quesney, Turgot, Condorcet, Dupont and Mirabeau, with some of whom Jefferson was on terms of intimate acquaintance. This idea recognized common rights in land by appropriating ground rent through taxation. This rent of land they called the *produit net*—the net, or surplus, product of land. Something of the same meaning the English political economist, John Stuart Mill, later gave to the term "the unearned increment of land." The French economists proposed in place of the many taxes falling upon production and upon wealth, one tax large enough to absorb the whole

value of agricultural land. This tax, which they called the *impot unique*, and which Mirabeau, the elder, accounted a discovery equal in importance to the invention of writing or the displacement of barter by money, the Frenchmen wished to apply to agricultural land, which they regarded as the only productive land. To-day it is called the single tax, and would be applied to all land that has value, regardless of improvements, whether the land be agricultural, mineral, timber, grazing, urban or suburban.

In 1774 Turgot had been appointed Minister of Finance by Louis XVI., and at once commenced to clear the way for application of the *impot unique*, but the privileged nobility was yet dominant and overthrew him. Had he succeeded in applying it he would have shifted taxation from the backs of the impoverished and embruited masses to the game preserves and other great enclosures, would have forced the nobles to let go and would have opened to users vast quantities of idle land. But the nobles made successful resistance to this policy. Turgot stepped down and the social and political revolution was not long deferred.

In the United States a distant adaptation of this idea occurred under the Articles of Confederation, in the provision to obtain national revenue through a tax on real estate and slaves. Subsequently under the Constitution other sources of taxation were provided, and most of the revenue came to be raised through a tariff, which is a tax upon production.

Pennsylvania Signers

(Declaration of Independence)

The Reproductions are from the Original Paintings in Independence Hall, Philadelphia.

George Clymer (1739-1813), born at Philadelphia. He was left an orphan at the age of seven, when his uncle adopted him and directed his education. During the "Tea Act" disturbances he was appointed chairman of a committee to resist the operation of that law. In 1776 he was delegated to Congress and twice re-elected. In 1781 he was elected to the Pennsylvania Legislature. He was a member of the convention that framed the Federal Constitution. (Reproduced from the Painting after the Original Painting by Jarvis.)

Robert Morris (1733-1806), born in Lancashire, England. When thirteen years of age he went to Philadelphia and entered a counting house. He was prominent in opposing the Stamp Act, and, in spite of heavy personal loss as a merchant, signed the Non-importation Act of 1765. He was delegate to the Continental Congress in 1775, where he remained till 1778. He founded the Bank of North America. He was a member of the convention which framed the Federal Constitution in 1787. Washington selected him for Secretary of the Treasury, but he declined and recommended Alexander Hamilton as his substitute. (Reproduced from the Original Painting by Charles Willson Peale.)

Doctor Benjamin Rush (1745-1813), born in the vicinity of Philadelphia. He was a physician, statesman and writer. He studied medicine in Philadelphia, Paris, London and Edinburgh, and held the highest offices as a physician in his native city. In the Provincial Conference of Pennsylvania he moved a resolution to express a formal assertion of the sentiments of a Declaration of Independence. This led to his election to Congress. He was Treasurer of the United States Mint from 1797 up to the time of his death. (Reproduced from the Original Painting by Charles Willson Peale.)

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for many centuries," corruption like a worm has eaten its way to the core. Political bosses control wards, districts and States, and exert their baleful influences over national councils, as completely as English politicians in Jefferson's day ruled rotten boroughs and swayed the British Parliament. The mass of the people themselves were in the beginning virtuous. But they were reduced to dependence for subsistence, which corrupted them. They found difficulty in getting a living and sold or became neglectful of those priceless political rights for which the fathers of the republic fought so hard and gloriously, and established with such great labor.

Jefferson said, "Our governments will remain virtuous * * * as long as * * * there are vacant lands in any part of America." There are vacant lands, thousands upon tens and hundreds of thousands of acres, agricultural lands, grazing lands, timber lands, mineral lands, urban and suburban lands. These lands, if thrown open, would not only engage the multitudes of hands now idle or insufficiently occupied, but would support in comfort and luxury many times the eighty millions of population this nation now embraces. There is no difficulty about finding abundance of valuable vacant land; the difficulty is to find it unappropriated. All the great territory that is available for any use has been appropriated and made private property, although vastly the greater part of it lies idle and is held merely for speculation.

Obviously "the laws of property have been so far extended as to violate natural right." And since by reason of this appropriation and non-use of land large numbers of men are prevented from finding their natural employment, and since "other employment" is not provided them, does not "the fundamental right to labor the earth" return to them, as Jefferson said it must under such circumstances?

Yet how effect this fundamental right to-day with our complex civilization? Not by dividing up the land and giving to each his share. The simple, easy, just way would be to divide the rent, or rather to take it for common uses, remitting all taxes that now fall upon production and various forms of wealth, and concentrating taxation on the value of land, regardless of improvements. This single tax would tax out the land grabber. It would tax idle lands into use. Millions upon millions of locked up acres of every kind would be thrown open to the unemployed, there would be a compliance with the "fundamental natural right to labor the earth," and our people would once again become, as Jefferson thought they would for centuries remain, virtuous and happy.

Henry George

New York, May 1, 1904.

Pennsylvania Signers

(*Declaration of Independence*)

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DR. BENJAMIN RUSH

GEORGE CLYMER

GEORGE ROSS

JAMES WILSON

BENJAMIN FRANKLIN

ROBERT MORRIS

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CORRESPONDENCE.

LETTERS WRITTEN AFTER HIS RETURN TO THE UNITED STATES.

1789–1826.

(CONTINUED.)

JEFFERSON'S WORKS.

LETTERS WRITTEN AFTER HIS RETURN TO THE UNITED STATES.

1789–1826.

TO PATRICK K. RODGERS.

MONTICELLO, January 29, 1824.

SIR,—I have duly received your favor of the 14th, with a copy of your mathematical principles of natural philosophy, which I have looked into with all the attention which the rust of age and long-continued avocations of a very different character permit me to exercise. I think them entirely worthy of approbation, both as to matter and method, and for their brevity as a text-book; and I remark particularly the clearness and precision with which the propositions are enounced, and, in the demonstrations, the easy form in which ideas are presented to the mind, so as to be almost intuitive and self-evident. Of Cavallo's book, which you say you are enjoined to teach, I have no knowl-

edge, having never seen it; but its character is, I think, that of mere mediocrity; and, from my personal acquaintance with the man, I should expect no more. He was heavy, capable enough of understanding what he read, and with memory to retain it, but without the talent of digestion or improvement. But, indeed, the English generally have been very stationary in latter times, and the French, on the contrary, so active and successful, particularly in preparing elementary books, in the mathematical and natural sciences, that those who wish for instruction, without caring from what nation they get it, resort universally to the latter language. Besides the earlier and invaluable works of Euler and Bezont, we have latterly that of Lacroix in mathematics, of Legendre in geometry, Lavoisier in chemistry, the elementary works of Haüy in physics, Biot in experimental physics and physical astronomy, Dumeril in natural history, to say nothing of many detached essays of Monge and others, and the transcendent labors of Laplace, and I am informed, by a highly instructed person recently from Cambridge, that the mathematicians of that institution, sensible of being in the rear of those of the continent, and ascribing the cause much to their too long-continued preference of the geometrical over the analytical methods, which the French have so much cultivated and improved, have now adopted the latter; and that they have also given up the fluxionary, for the differential calculus. To

confine a school, therefore, to the obsolete work of Cavallo, is to shut out all advances in the physical sciences, which have been so great in latter times. I am glad, however, to learn from your work, and to expect from those it promised in succession, which will doubtless be of equal grade, that so good a course of instruction is pursued in William and Mary. It is very long since I have had any information of the state of education in that seminary, to which, as my *alma mater*, my attachment has been ever sincere, although not exclusive. When that college was located at the middle plantation in 1693, Charles City was a frontier county, and there were no inhabitants above the falls of the rivers, sixty miles only higher up. It was, therefore, a position, nearly central to the population, as it then was; but when the frontier became extended to the Sandy river, three hundred miles west of Williamsburg, the public convenience called, first for a removal of the seat of government, and latterly, not for a removal of the college, but, for the establishment of a new one, in a more central and healthy situation; not disturbing the old one in its possessions or functions, but leaving them unimpaired for the benefit of those to whom it is convenient. And indeed, I do not foresee that the number of its students is likely to be much affected; because I presume that, at present, its distance and autumnal climate prevent its receiving many students from above the tide-waters, and especially

from above the mountains. This is, therefore, one of the cases where the lawyers say there is *damnum absque injuria;* and they instance, as in point, the settlement of a new schoolmaster in the neighborhood of an old one. At any rate it is one of those cases wherein the public interest rightfully prevails, and the justice of which will be yielded to by none, I am sure, with more dutiful and candid acquiescence than the enlightened friends of our ancient and venerable institution. The only rivalship, I hope, between the old and the new, will be in doing the most good possible in their respective sections of country.

As the diagrams of your book have not been engraved, I return you the MS. of them, which must be of value to yourself. They furnish favorable specimens of the graphical talent of your former pupil. Permit me to add, that I shall always be ready and happy to receive with particular welcome the visit of which you flatter me with the hope, and to avail myself of the occasion of assuring you personally of my great respect and esteem.

TO JOSEPH C. CABELL.

MONTICELLO, February 3, 1824.

DEAR SIR,—I am favored with your two letters of January the 26th and 29th, and I am glad that yourself and the friends of the University are so well satisfied, that the provisos amendatory of the

University Act are mere nullities. I had not been able to put out of my head the Algebraical equation, which was among the first of my college lessons, that a — a = o. Yet I cheerfully arrange myself to your opinions. I did not suppose, nor do I now suppose it possible, that both Houses of the legislature should ever consent, for an additional fifteen thousand dollars of revenue, to set all the professors and students of the University adrift; and if foreigners will have the same confidence which we have in our legislature, no harm will have been done by the provisos.

You recollect that we had agreed that the Visitors who are of the legislature should fix on a certain day of meeting, after the rising of the Assembly, to put into immediate motion the measures which this act was expected to call for. You will of course remind the Governor that a re-appointment of Visitors is to be made on the day following Sunday, the 29th of this month; and as he is to appoint the day of their first meeting, it would be well to recommend to him that which our brethren there shall fix on. It may be designated by the Governor as the third, fourth, etc., day after the rising of the legislature, which will give it certainty enough.

You ask what sum would be desirable for the purchase of books and apparatus? Certainly the largest you can obtain. Forty or fifty thousand dollars would enable us to purchase the most essential books of texts and reference for the schools, and

such an apparatus for mathematics, astronomy and chemistry, as may enable us to set out with tolerable competence, if we can, through the banks and otherwise, anticipate the whole sum at once.

I remàrk what you say on the subject of committing ourselves to any one for the law appointment. Your caution is perfectly just. I hope, and am certain, that this will be the standing law of discretion and duty with every member of our board, in this and all cases. You know we have all, from the beginning, considered the high qualifications of our professors, as the only means by which we could give to our institution splendor and pre-eminence over all its sister seminaries. The only question, therefore, we can ever ask ourselves, as to any candidate, will be, is he the most highly qualified? The College of Philadelphia has lost its character of primacy by indulging motives of favoritism and nepotism, and by conferring the appointments as if the professorships were entrusted to them as provisions for their friends. And even that of Edinburgh, you know, is also much lowered from the same cause. We are next to observe, that a man is not qualified for a professor, knowing nothing but merely his own profession. He should be otherwise well educated as to the sciences generally; able to converse understandingly with the scientific men with whom he is associated, and to assist in the councils of the faculty on any subject of science on which they may have

occasion to deliberate. Without this, he will incur their contempt, and bring disreputation on the institution. With respect to the professorship you mention, I scarcely know any of our judges personally; but I will name, for example, the late Judge Roane, who, I believe, was generally admitted to be among the ablest of them. His knowledge was confined to the common law chiefly, which does not constitute one-half of the qualification of a really learned lawyer, much less that of a professor of law for an University. And as to any other branches of science, he must have stood mute in the presence of his literary associates, or of any learned strangers or others visiting the University. Would this constitute the splendid stand we propose to take?

In the course of the trusts I have exercised through life with powers of appointment, I can say with truth, and with unspeakable comfort, that I never did appoint a relation to office, and that merely because I never saw the case in which some one did not offer, or occur, better qualified; and I have the most unlimited confidence, that in the appointment of Professors to our nursling institution, every individual of my associates will look with a single eye to the sublimation of its character, and adopt, as our sacred motto, "*detur digniori.*" In this way it will honor us, and bless our country.

I perceive that I have permitted my reflections to run into generalities beyond the scope of the

particular intimation in your letter. I will let them go, however, as a general confession of faith, not belonging merely to the present case.

Name me affectionately to our brethren with you, and be assured yourself of my constant friendship and respect.

TO JARED SPARKS.

MONTICELLO, February 4, 1824.

DEAR SIR,—I duly received your favor of the 13th, and with it, the last number of the North American Review. This has anticipated the one I should receive in course, but have not yet received, under my subscription to the new series. The article on the African colonization of the people of color, to which you invite my attention, I have read with great consideration. It is, indeed, a fine one, and will do much good. I learn from it more, too, than I had before known, of the degree of success and promise of that colony.

In the disposition of these unfortunate people, there are two rational objects to be distinctly kept in view. First. The establishment of a colony on the coast of Africa, which may introduce among the aborigines the arts of cultivated life, and the blessings of civilization and science. By doing this, we may make to them some retribution for the long course of injuries we have been committing on their population. And considering that these

blessings will descend to the "*nati natorum, et qui nascentur ab illis*," we shall in the long run have rendered them perhaps more good than evil. To fulfil this object, the colony of Sierra Leone promises well, and that of Mesurado adds to our prospect of success. Under this view, the colonization society is to be considered as a missionary society, having in view, however, objects more humane, more justifiable, and less aggressive on the peace of other nations, than the others of that appellation.

The second object, and the most interesting to us, as coming home to our physical and moral characters, to our happiness and safety, is to provide an asylum to which we can, by degrees, send the whole of that population from among us, and establish them under our patronage and protection, as a separate, free and independent people, in some country and climate friendly to human life and happiness. That any place on the coast of Africa should answer the latter purpose, I have ever deemed entirely impossible. And without repeating the other arguments which have been urged by others, I will appeal to figures only, which admit no controversy. I shall speak in round numbers, not absolutely accurate, yet not so wide from truth as to vary the result materially. There are in the United States a million and a half of people of color in slavery. To send off the whole of these at once, nobody conceives to be practicable for us, or expedient for them. Let us take twenty-five years

for its accomplishment, within which time they will be doubled. Their estimated value as property, in the first place, (for actual property has been lawfully vested in that form, and who can lawfully take it from the possessors?) at an average of two hundred dollars each, young and old, would amount to six hundred millions of dollars, which must be paid or lost by somebody. To this, add the cost of their transportation by land and sea to Mesurado, a year's provision of food and clothing, implements of husbandry and of their trades, which will amount to three hundred millions more, making thirty-six millions of dollars a year for twenty-five years, with insurance of peace all that time, and it is impossible to look at the question a second time. I am aware that at the end of about sixteen years, a gradual detraction from this sum will commence, from the gradual diminution of breeders, and go on during the remaining nine years. Calculate this deduction, and it is still impossible to look at the enterprise a second time. I do not say this to induce an inference that the getting rid of them is forever impossible. For that is neither my opinion nor my hope. But only that it cannot be done in this way. There is, I think, a way in which it can be done; that is, by emancipating the afterborn, leaving them, on due compensation, with their mothers, until their services are worth their maintenance, and then putting them to industrious occupations, until a proper age for deportation.

This was the result of my reflections on the subject five and forty years ago, and I have never yet been able to conceive any other practicable plan. It was sketched in the Notes on Virginia, under the fourteenth query. The estimated value of the new-born infant is so low, (say twelve dollars and fifty cents,) that it would probably be yielded by the owner gratis, and would thus reduce the six hundred millions of dollars, the first head of expense, to thirty-seven millions and a half; leaving only the expenses of nourishment while with the mother, and of transportation. And from what fund are these expenses to be furnished? Why not from that of the lands which have been ceded by the very States now needing this relief? And ceded on no consideration, for the most part, but that of the general good of the whole. These cessions already constitute one-fourth of the States of the Union. It may be said that these lands have been sold; are now the property of the citizens composing those States; and the money long ago received and expended. But an equivalent of lands in the territories since acquired, may be appropriated to that object, or so much, at least, as may be sufficient; and the object, although more important to the slave States, is highly so to the others also, if they were serious in their arguments on the Missouri question. The slave States, too, if more interested, would also contribute more by their gratuitous liberation, thus taking

on themselves alone the first and heaviest item of expense.

In the plan sketched in the Notes on Virginia, no particular place of asylum was specified; because it was thought possible, that in the revolutionary state of America, then commenced, events might open to us some one within practicable distance. This has now happened. St. Domingo has become independent, and with a population of that color only; and if the public papers are to be credited, their Chief offers to pay their passage, to receive them as free citizens, and to provide them employment. This leaves, then, for the general confederacy, no expense but of nurture with the mother a few years, and would call, of course, for a very moderate appropriation of the vacant lands. Suppose the whole annual increase to be of sixty thousand effective births, fifty vessels, of four hundred tons burden each, constantly employed in that short run, would carry off the increase of every year, and the old stock would die off in the ordinary course of nature, lessening from the commencement until its final disappearance. In this way no violation of private right is proposed. Voluntary surrenders would probably come in as fast as the means to be provided for their care would be competent to it. Looking at my own State only, and I presume not to speak for the others, I verily believe that this surrender of property would not amount to more, annually, than half our present direct

taxes, to be continued fully about twenty or twenty-five years, and then gradually diminishing for as many more until their final extinction; and even this half tax would not be paid in cash, but by the delivery of an object which they have never yet known or counted as part of their property; and those not possessing the object will be called on for nothing. I do not go into all the details of the burdens and benefits of this operation. And who could estimate its blessed effects? I leave this to those who will live to see their accomplishment, and to enjoy a beatitude forbidden to my age. But I leave it with this admonition, to rise and be doing. A million and a half are within their control; but six millions, (which a majority of those now living will see them attain,) and one million of these fighting men, will say, "we will not go."

I am aware that this subject involves some constitutional scruples. But a liberal construction, justified by the object, may go far, and an amendment of the Constitution, the whole length necessary. The separation of infants from their mothers, too, would produce some scruples of humanity. But this would be straining at a gnat, and swallowing a camel.

I am much pleased to see that you have taken up the subject of the duty on imported books. I hope a crusade will be kept up against it, until those in power shall become sensible of this stain on our legislation, and shall wipe it from their code, and from the remembrance of man, if possible.

I salute you with assurances of high respect and esteem.

TO ROBERT J. GARNETT.

MONTICELLO, February 14, 1824.

DEAR SIR,—I have to thank you for the copy of Colonel Taylor's New Views of the Constitution, and shall read them with the satisfaction and edification which I have ever derived from whatever he has written. But I fear it is the voice of one crying in the wilderness. Those who formerly usurped the *name* of federalists, which, *in fact*, they never were, have now openly abandoned it, and are as openly marching by the road of construction, in a direct line to that consolidation which was always their real object. They, almost to a man, are in possession of one branch of the government, and appear to be very strong in yours. The three great questions of amendment now before you, will give the measure of their strength. I mean, 1st, the limitation of the term of the Presidential service; 2d, the placing the choice of President effectually in the hands of the people; 3d, the giving to Congress the power of internal improvement, on condition that each State's federal proportion of the moneys so expended, shall be employed within the State. The friends of consolidation would rather take these powers by construction than accept them by direct investiture from the States.

Yet, as to internal improvement particularly, there is probably not a State in the Union which would not grant the power on the condition proposed, or which would grant it without that.

The best general key for the solution of questions of power between our governments, is the fact that "every foreign and federal power is given to the federal government, and to the States every power purely domestic." I recollect but one instance of control vested in the federal, over the State authorities, in a matter purely domestic, which is that of metallic tenders. The federal is, in truth, our foreign government, which department alone is taken from the sovereignty of the separate States.

The real friends of the Constitution in its federal form, if they wish it to be immortal, should be attentive, by amendments, to make it keep pace with the advance of the age in science and experience. Instead of this, the European governments have resisted reformation, until the people, seeing no other resource, undertake it themselves by force, their only weapon, and work it out through blood, desolation and long-continued anarchy. Here it will be by large fragments breaking off, and refusing re-union but on condition of amendment, or perhaps permanently. If I can see these three great amendments prevail, I shall consider it as a renewed extension of the term of our lease, shall live in more confidence, and die in more hope. And I do trust that the republican mass, which Colonel Taylor

justly says is the real federal one, is still strong enough to carry these truly federo-republican amendments. With my prayers for the issue, accept my friendly and respectful salutations.

TO ISAAC ENGELBRECHT.

MONTICELLO, February 25, 1824.

SIR,—The kindness of the motive which led to the request of your letter of the 14th instant, and which would give some value to an article from me, renders compliance a duty of gratitude; knowing nothing more moral, more sublime, more worthy of your preservation than David's description of the good man, in his 15th Psalm, I will here transcribe it from Brady and Tate's version:

Lord, who's the happy man that may to Thy blest courts repair,
Not stranger-like to visit them, but to inhabit there?
'Tis he whose every thought and deed by rules of virtue moves,
Whose generous tongue disdains to speak the thing his heart disproves.
Who never did a slander forge, his neighbor's fame to wound,
Nor hearken to a false report, by malice whispered round.
Who vice, in all its pomp and power, can treat with just neglect;
And piety, though clothed in rags, religiously respect.
Who to his plighted vows and trust has ever firmly stood,
And though he promise to his loss, he makes his promise good.
Whose soul in usury disdains his treasure to employ,
Whom no rewards can ever bribe the guiltless to destroy.
The man who, by this steady course, has happiness ensur'd,
When earth's foundations shake, shall stand, by Providence secur'd.

Accept this as a testimony of my respect for your request, an acknowledgment of a due sense of the

favor of your opinion, and an assurance of my good will and best wishes.

TO JUDGE AUGUSTUS B. WOODWARD.

MONTICELLO, March 24, 1824.

I have to thank you, dear Sir, for the copy I have received of your System of Universal Science, for which, I presume, I am indebted to yourself. It will be a monument of the learning of the author and of the analyzing powers of his mind. Whether it may be adopted in general use is yet to be seen. These analytical views indeed must always be ramified according to their object. Yours is on the great scale of a methodical encyclopedia of all human sciences, taking for the basis of their distribution, matter, mind, and the union of both. Lord Bacon founded his first great division on the faculties of the mind which have cognizance of these sciences. It does not seem to have been observed by any one that the origination of this division was not with him. It had been proposed by Charron more than twenty years before, in his book de la Sagesse, B. 1, c. 14, and an imperfect ascription of the sciences to these respective faculties was there attempted. This excellent moral work was published in 1600. Lord Bacon is said not to have entered on his great work until his retirement from public office in 1621. Where sciences are to be arranged in accommodation to the schools of an

university, they will be grouped to coincide with the kindred qualifications of Professors in ordinary. For a library, which was my object, their divisions and subdivisions will be made such as to throw convenient masses of books under each separate head. Thus, in the library of a physician, the books of that science, of which he has many, will be subdivided under many heads; and those of law, of which he has few, will be placed under a single one. The lawyer, again, will distribute his law books under many subdivisions, his medical under a single one. Your idea of making the subject matter of the sciences the basis of their distribution, is certainly more reasonable than that of the faculties to which they are addressed. The materialists will perhaps criticise a basis, one-half of which they will say is a non-existence; adhering to the axiom of Aristotle, "*nihil est in intellectu quod prius non fuerit in sensu*," and affirming that we can have no evidence of any existence which impresses no sense. Of this opinion were most of the ancient philosophers, and several of the early and orthodox fathers of the Christian Church. Indeed, Jesus Himself, the Founder of our religion, was unquestionably a Materialist as to man. In all His doctrines of the resurrection, He teaches expressly that the body is to rise in substance. In the Apostles' Creed, we all declare that we believe in the "resurrection of the body." Jesus said that God is Spirit [πνευμα] without defining it. Tertullian

supplies the definition, "*quis negabit Deum esse corpus, etsi Deus Spiritus? spiritus etiam corporis sui generis in sua effigie.*" And Origen, "*ασωματον accipi, docet, pro eo quod non est simile huic nostro crassiori et visibli corpori, sed quod est naturaliter subtile et velut aura tenue.*" The modern philosophers mostly consider thought as a function of our material organization; and Locke particularly among them, charges with blasphemy those who deny that Omnipotence could give the faculty of thinking to certain combinations of matter.

Were I to re-compose my tabular view of the sciences, I should certainly transpose a particular branch. The naturalists, you know, distribute the history of nature into three kingdoms or departments: zoology, botany, mineralogy. Ideology or mind, however, occupies so much space in the field of science, that we might perhaps erect it into a fourth kingdom or department. But, inasmuch as it makes a part of the animal construction only, it would be more proper to subdivide zoology into physical and moral. The latter including ideology, ethics, and mental science generally, in my catalogue, considering ethics, as well as religion, as supplements to law in the government of man, I had placed them in that sequence. But certainly the faculty of thought belongs to animal history, is an important portion of it, and should there find its place. But these are speculations in which I do not now permit myself to labor. My mind unwill-

ingly engages in severe investigations. Its energies, indeed, are no longer equal to them. Being to thank you for your book, its subject has run away with me into a labyrinth of ideas no longer familiar, and writing also has become a slow and irksome operation with me. I have been obliged to avail myself of the pen of a granddaughter for this communication. I will here, therefore, close my task of thinking, hers of writing, and yours of reading, with assurances of my constant and high respect and esteem.

TO EDWARD EVERETT.

MONTICELLO, March 27, 1824.

DEAR SIR,—I have to thank you for your Greek Reader, which, for the use of schools, is evidently preferable to the Collectanea Græca. These have not arranged their selections so well in gradation from the easier to the more difficult styles.

On the subject of the Greek ablative, I dare say that your historical explanation is the true one. In the early stages of languages, the distinctions of cases may well be supposed so few as to be readily effected by changes of termination. The Greeks, in this way, seem to have formed five, the Latins six, and to have supplied their deficiences as they occurred in the progress of development, by prepositive words. In later times, the Italians, Spaniards, and French, have depended on prepositions

altogether, without any inflection of the primitive word to denote the change of case. What is singular as to the English is, that in its early form of Anglo-Saxon, having distinguished several cases by changes of termination, at later periods it has dropped these, retains but that of the genitive, and supplies all the others by prepositions. These subjects, with me, are neither favorites nor familiar; and your letter has occasioned me to look more into the particular one in question than I had ever done before. Turning, for satisfaction, to the work of Tracy, the most profound of our ideological writers, and to the volume particularly which treats of grammar, I find what I suppose to be the correct doctrine of the case. Omitting unnecessary words to abridge writing, I copy what he says: "Il y a des langues qui par certains changemens de desinence, appellés *cas*, indiquent quelques-uns des rapports des noms avec d'autres noms; mais beaucoup de langues n'ont point de cas; et celles qui en ont, n'en ont qu'un petit nombre, tandis que les divers rapports qu'une idée peut avoir avec une autre sont extrêmement multipliés: ainsi, les cas ne peuvent exprimer qu'en general, les principaux de ces rapports. Aussi dans toutes les langues, meme dans celles qui ont des *cas*, on a senti le besoin de mots distincts, separés des autres, et expressement destinés à cet usage; ils ce qu'on appelle des prepositions." 2 Tracy Elemens d'Ideologie, c. 3, § 5, p. 114, and he names the Basque and Peruvian

languages, whose nouns have such various changes of termination as to express all the relations which other languages express by prepositions, and therefore having no prepositions. On this ground, I suppose, then, we may rest the question of the Greek ablative. It leaves with me a single difficulty only, to wit: the instances where they have given the ablative signification to the dative termination, some of which I quoted in my former letter to you.

I have just received a letter from Coray, at Paris, of the 28th December, in which he confirms the late naval success of the Greeks, but expresses a melancholy fear for his nation, "qui a montré jusqu'à ce moment des prodiges de valeur, mais qui, delivrée d'un joug de Cannibass, ne peut encore posseder ni les leçons d'instruction, ni celles de l'expérience." I confess I have the same fears for our South American brethren; the qualifications for self-government in society are not innate. They are the result of habit and long training, and for these they will require time and probably much suffering.

I salute you with assurances of great esteem and respect.

TO EDWARD LIVINGSTON.

MONTICELLO, April 4, 1824.

DEAR SIR,—It was with great pleasure I learned that the good people of New Orleans had restored

you again to the councils of our country. I did not doubt the aid it would bring to the remains of our old school in Congress, in which your early labors had been so useful. You will find, I suppose, on revisiting our maritime States, the names of things more changed than the things themselves; that though our old opponents have given up their appellation, they have not, in assuming ours, abandoned their views, and that they are as strong nearly as they ever were. These cares, however, are no longer mine. I resign myself cheerfully to the managers of the ship, and the more contentedly as I am near the end of my voyage. I have learned to be less confident in the conclusions of human reason, and give more credit to the honesty of contrary opinions. The radical idea of the character of the constitution of our government, which I have adopted as a key in cases of doubtful construction, is, that the whole field of government is divided into two departments, domestic and foreign, (the States in their mutual relations being of the latter;) that the former department is reserved exclusively to the respective States within their own limits, and the latter assigned to a separate set of functionaries, constituting what may be called the foreign branch, which, instead of a federal basis, is established as a distinct government *quoad hoc*, acting as the domestic branch does on the citizens directly and coercively; that these departments have distinct directories, co-ordinate, and equally

independent and supreme, each within its own sphere of action. Whenever a doubt arises to which of these branches a power belongs, I try it by this test. I recollect no case where a question simply between citizens of the same State, has been transferred to the foreign department, except that of inhibiting tenders but of metallic money, and *ex post facto* legislation. The causes of these singularities are well remembered.

I thank you for the copy of your speech on the question of national improvement, which I have read with great pleasure, and recognize in it those powers of reasoning and persuasion of which I had formerly seen from you so many proofs. Yet, in candor, I must say it has not removed, in my mind, all the difficulties of the question. And I should really be alarmed at a difference of opinion with you, and suspicious of my own, were it not that I have, as companions in sentiments, the Madisons, the Monroes, the Randolphs, the Macons, all good men and true, of primitive principles. In one sentiment of the speech I particularly concur. "If we have a doubt relative to any power, we ought not to exercise it." When we consider the extensive and deep-seated opposition to this assumption, the conviction entertained by so many, that this deduction of powers by elaborate construction prostrates the rights reserved to the States, the difficulties with which it will rub along in the course of its exercise; that changes of majorities will be

changing the system backwards and forwards, so that no undertaking under it will be safe; that there is not a State in the Union which would not give the power willingly, by way of amendment, with some little guard, perhaps, against abuse; I cannot but think it would be the wisest course to ask an express grant of the power. A government held together by the bands of reason only, requires much compromise of opinion; that things even salutary should not be crammed down the throats of dissenting brethren, especially when they may be put into a form to be willingly swallowed, and that a great deal of indulgence is necessary to strengthen habits of harmony and fraternity. In such a case, it seems to me it would be safer and wiser to ask an express grant of the power. This would render its exercise smooth and acceptable to all, and insure to it all the facilities which the States could contribute, to prevent that kind of abuse which all will fear, because all know it is so much practised in public bodies, I mean the bartering of votes. It would reconcile every one, if limited by the proviso, that the federal proportion of each State should be expended within the State. With this single security against partiality and corrupt bargaining, I suppose there is not a State, perhaps not a man in the Union, who would not consent to add this to the powers of the General Government. But age has weaned me from questions of this kind. My delight is now in the passive occupation of reading;

and it is with great reluctance I permit my mind ever to encounter subjects of difficult investigation. You have many years yet to come of vigorous activity, and I confidently trust they will be employed in cherishing every measure which may foster our brotherly union, and perpetuate a constitution of government destined to be the primitive and precious model of what is to change the condition of man over the globe. With this confidence, equally strong in your powers and purposes, I pray you to accept the assurance of my cordial esteem and respect.

TO JOHN HAMBDEN PLEASANTS.

MONTICELLO, April 19, 1824.

DEAR SIR,—I received in due time your favor of the 12th, requesting my opinion on the proposition to call a convention for amending the constitution of the State. That this should not be perfect cannot be a subject of wonder, when it is considered that ours was not only the first of the American States, but the first nation in the world, at least within the records of history, which peaceably by its wise men, formed on free deliberation, a constitution of government for itself, and deposited it in writing, among their archives, always ready and open to the appeal of every citizen. The other States, who successively formed constitutions for them-

selves also, had the benefit of our outline, and have made on it, doubtless, successive improvements. One in the very outset, and which has been adopted in every subsequent constitution, was to lay its foundation in the authority of the nation. To our convention no special authority had been delegated by the people to form a permanent constitution, over which their successors in legislation should have no powers of alteration. They had been elected for the ordinary purposes of legislation only, and at a time when the establishment of a new government had not been proposed or contemplated. Although, therefore, they gave to this act the title of a constitution, yet it could be no more than an act of legislation subject, as their other acts were, to alteration by their successors. It has been said, indeed, that the acquiescence of the people supplied the want of original power. But it is a dangerous lesson to say to them "whenever your functionaries exercise unlawful authority over you, if you do not go into actual resistance, it will be deemed acquiescence and confirmation." How long had we acquiesced under usurpations of the British Parliament? Had that confirmed them in right, and made our Revolution a wrong? Besides, no authority has yet decided whether this resistance must be instantaneous; when the right to resist ceases, or whether it has yet ceased? Of the twenty-four States now organized, twenty-three have disapproved our doctrine and example,

and have deemed the authority of their people a necessary foundation for a constitution.

Another defect which has been corrected by most of the States is, that the basis of our constitution is in opposition to the principle of equal political rights, refusing to all but freeholders any participation in the natural right of self-government. It is believed, for example, that a very great majority of the militia, on whom the burden of military duty was imposed in the late war, were men unrepresented in the legislation which imposed this burden on them. However nature may by mental or physical disqualifications have marked infants and the weaker sex for the protection, rather than the direction of government, yet among the men who either pay or fight for their country, no line of right can be drawn. The exclusion of a majority of our freemen from the right of representation is merely arbitrary, and an usurpation of the minority over the majority; for it is believed that the non-freeholders compose the majority of our free and adult male citizens.

And even among our citizens who participate in the representative privilege, the equality of political rights is entirely prostrated by our constitution. Upon which principle of right or reason can any one justify the giving to every citizen of Warwick as much weight in the government as to twenty-two equal citizens in Loudoun, and similar inequalities among the other counties? If these funda-

mental principles are of no importance in actual government, then no principles are important, and it is as well to rely on the dispositions of an administration, good or evil, as on the provisions of a constitution.

I shall not enter into the details of smaller defects, although others there doubtless are, the reformation of some of which might very much lessen the expenses of government, improve its organization, and add to the wisdom and purity of its administration in all its parts; but these things I leave to others, not permitting myself to take sides in the political questions of the day. I willingly acquiesce in the institutions of my country, perfect or imperfect; and think it a duty to leave their modifications to those who are to live under them, and are to participate of the good or evil they may produce. The present generation has the same right of self-government which the past one has exercised for itself. And those in the full vigor of body and mind are more able to judge for themselves than those who are sinking under the wane of both. If the sense of our citizens on the question of a convention can be fairly and fully taken, its result will, I am sure, be wise and salutary; and far from arrogating the office of advice, no one will more passively acquiesce in it than myself. Retiring, therefore, to the tranquillity called for by increasing years and debility, I wish not to be understood as intermeddling in this question; and to my prayers for the general good,

I have only to add assurances to yourself of my great esteem.

TO MR. DAVID HARDING, PRESIDENT OF THE JEFFERSON DEBATING SOCIETY OF HINGHAM.

MONTICELLO, April 20, 1824.

SIR,—I have duly received your favor of the 6th instant, informing me of the institution of a debating society in Hingham, composed of adherents to the republican principles of the Revolution; and I am justly sensible of the honor done my name by associating it with the title of the society. The object of the society is laudable, and in a republican nation, whose citizens are to be led by reason and persuasion, and not by force, the art of reasoning becomes of first importance. In this line antiquity has left us the finest models for imitation; and he who studies and imitates them most nearly, will nearest approach the perfection of the art. Among these I should consider the speeches of Livy, Sallust, and Tacitus, as pre-eminent specimens of logic, taste, and that sententious brevity which, using not a word to spare, leaves not a moment for inattention to the hearer. Amplification is the vice of modern oratory. It is an insult to an assembly of reasonable men, disgusting and revolting instead of persuading. Speeches measured by the hour, die with the hour. I will not, however, further indulge the disposition of the age to sermonize, and especially to those surrounded

by so much better advice. With my apologies, therefore, for hazarding even these observations, and my prayers for the success of your institution, be pleased to accept for the society and yourself the assurances of my high consideration.

TO RICHARD RUSH.

MONTICELLO, April 26, 1824.

DEAR SIR,—I have heretofore informed you that our legislature had undertaken the establishment of an University in Virginia; that it was placed in my neighborhood, and under the direction of a board of seven Visitors, of whom I am one, Mr. Madison another, and others equally worthy of confidence. We have been four or five years engaged in erecting our buildings, all of which are now ready to receive their tenants, one excepted, which the present season will put into a state for use. The last session of our legislature had by new donations liberated the revenue of fifteen thousand dollars a year, with which they had before endowed the institution, and we propose to open it the beginning of the next year. We require the intervening time for seeking out and engaging Professors. As to these we have determined to receive no one who is not of the first order of science in his line; and as such in every branch cannot be obtained with us, we propose to seek some of them at least in the countries ahead of us in science, and preferably in Great Britain, the land of

our own language, habits, and manners. But how to find out those who are of the first grade of science, of sober, correct habits and morals, harmonizing tempers, talents for communication, is the difficulty. Our first step is to send a special agent to the Universities of Oxford, Cambridge, and Edinburgh, to make the selection for us; and the person appointed for this office is the gentleman who will hand you this letter,—Mr. Francis Walker Gilmer,—the best-educated subject we have raised since the Revolution, highly qualified in all the important branches of science, professing particularly that of the law, which he has practised some years at our Supreme Court with good success and flattering prospects. His morals, his amiable temper and discretion, will do justice to any confidence you may be willing to place in him, for I commit him to you as his mentor and guide in the business he goes on. We do not certainly expect to obtain such known characters as were the Cullens, the Robertsons and Porsons of Great Britain, men of the first eminence established there in reputation and office, and with emoluments not to be bettered anywhere. But we know that there is another race treading on their heels, preparing to take their places, and as well and sometimes better qualified to fill them. These while unsettled, surrounded by a crowd of competitors, of equal claims and perhaps superior credit and interest, may prefer a comfortable certainty here for an uncertain hope there, and a lingering delay even of

that. From this description we expect we may draw professors equal to those of the highest name. The difficulty is to distinguish them; for we are told that so overcharged are all branches of business in that country, and such the difficulty of getting the means of living, that it is deemed allowable in ethics for even the most honorable minds to give highly exaggerated recommendations and certificates to enable a friend or protégé to get into a livelihood; and that the moment our agent should be known to be on such a mission, he would be overwhelmed by applications from numerous pretenders, all of whom, worthy or unworthy, would be supported by such recommendations and such names as would confound all discrimination. On this head our trust and hope is in you. Your knowledge of the state of things, your means of finding out a character or two at each place, truly trustworthy, and into whose hands you can commit our agent with entire safety, for information, caution, and co-operation, induces me to request your patronage and aid in our endeavors to obtain such men, and such only as will fulfil our views. An unlucky selection in the outset would forever blast our prospects. From our information of the character of the different Universities, we expect we should go to Oxford for our classical professor, to Cambridge for those of Mathematics, Natural Philosophy and Natural History, and to Edinburgh for a professor of Anatomy, and the elements or outlines only of Medicine. We have still

our eye on Mr. Blaetterman for the professorship of modern languages, and Mr. Gilmer is instructed to engage him, if no very material objection to him may have arisen unknown to us. We can place in Mr. Gilmer's hands but a moderate sum at present for merely text-books to begin with, and for indispensable articles of apparatus, Mathematical, Astronomical, Physical, Chemical and Anatomical. We are in the hope of a sum of $50,000, as soon as we can get a settlement passed through the public offices. My experience in dealing with the bookseller Lackington, on your recommendation, has induced me to recommend him to Mr. Gilmer, and if we can engage his fidelity, we may put into his hands the larger supply of books when we are ready to call for it, and particularly what we shall propose to seek in England.

Although I have troubled you with many particulars, I yet leave abundance for verbal explanation with Mr. Gilmer, who possesses a full knowledge of everything, and our full confidence in everything. He takes with him plans of our establishment, which we think it may be encouraging to show to the persons to whom he will make propositions, as well to let them see the comforts provided for themselves, as to show by the extensiveness and expense of the scale, that it is no ephemeral thing to which they are invited.

With my earnest solicitations that you will give us all your aid in an undertaking on which we rest

the hopes and happiness of our country, accept the assurances of my sincere friendship, attachment and respect.

TO JOSEPH C. CABELL.

MONTICELLO, May 16, 1824.

DEAR SIR,—Your favor of the 5th, from Williamsburg, has been duly received, and presents to us a case of pregnant character, admitting important issues, and requiring serious consideration and conduct: yet I am more inclined to view it with hope than dismay. It involves two questions: First, Shall the College of William and Mary be removed? Second. To what place? As to the first, I never doubted the lawful authority of the legislature over the college, as being a public institution and endowed from the public property, by public agents for that function, and for public purposes. Some have doubted this authority without a relinquishment of what they call a vested right by the body corporate. But as their voluntary relinquishment is a circumstance of the case, it is relieved from that doubt. I certainly never wished that my venerable *alma mater* should be disturbed. I considered it as an actual possession of that ancient and earliest settlement of our forefathers, and was disposed to see it yielded as a courtesy, rather than taken as a right. They, however, are free to renounce a benefit, and we to receive it. Had we dissolved it on the prin-

ciple of right, to give a direction to its funds more useful to the public, the professors, although their chartered tenure is during pleasure only, might have reasonably expected a vale of a year or two's salary, as an intermediate support, until they could find other employment for their talents. And notwithstanding that their abandonment is voluntary, this should still be given them. On this first question I think we should be absolutely silent and passive, taking no part in it until the old institution is loosened from its foundation and fairly placed on its wheels.

2. On the second question, to what place shall it be moved? we may take the field boldly. Richmond, it seems, claims it, but on what ground of advantage to the public? When the professors, their charter and funds shall be translated to Richmond, will they become more enlightened there than at the old place? Will they possess more science? be more capable of communicating it? or more competent to raise it from the dead, in a new sect, than to keep it alive in the ancient one? Or has Richmond any peculiarities more favorable for the communication of the sciences generally than the place which the legislature has preferred and fixed on for that purpose? This will not be pretended. But it seems they possess advantages for a medical school. Let us scan them. Anatomy may be as competently taught at the University as at Richmond, the only subjects of discretion which either place can count on are equally acquirable at both. And as to medi-

cine, whatever can be learned from lectures or books, may be taught at the University of Virginia as well as at Richmond, or even at Baltimore, Philadelphia, New York, or Boston, with the inestimable additional advantage of acquiring, at the same time, the kindred sciences by attending the other schools. But Richmond thinks it can have a hospital which will furnish subjects for the clinical branch of medicine. The classes of people which furnish subjects for the hospitals of Baltimore, Philadelphia, New York and Boston, do not exist at Richmond. The shipping constantly present at those places, furnish many patients. Is there a ship at Richmond? The class of white servants in those cities which is numerous and penniless, and whose regular resource in sickness is always the hospital, constitutes the great body of their patients; this class does not exist at Richmond. The servants there are slaves, whose masters are by law obliged to take care of them in sickness as in health, and who could not be admitted into a hospital. These resources, then, being null, the free inhabitants alone remain for a hospital at Richmond. And I will ask how many families in Richmond would send their husbands, wives, or children to a hospital, in sickness, to be attended by nurses hardened by habit against the feelings of pity, to lie in public rooms harassed by the cries and sufferings of disease under every form, alarmed by the groans of the dying, exposed as a corpse to be lectured over by a clinical professor, to be crowded

and handled by his students to hear their case learnedly explained to them, its threatening symptoms developed, and its probable termination foreboded? In vindication of Richmond, I may surely answer that there is not in the place a family so heartless, as, relinquishing their own tender cares of a child or parent, to abandon them in sickness to this last resource of poverty; for it is poverty alone which peoples hospitals, and those alone who are on the charities of their parish would go to their hospital. Have they paupers enough to fill a hospital? and sickness enough among these? One reason alleged for the removal of the college to Richmond is that Williamsburg is sickly, is happily little apt for the situation of a hospital. No, Sir; Richmond is no place to furnish subjects for clinical lectures. I have always had Norfolk in view for this purpose. The climate and pontine country around Norfolk render it truly sickly in itself. It is, moreover, the rendezvous not only of the shipping of commerce, but of the vessels of the public navy. The United States have there a hospital already established, and supplied with subjects from these local circumstances. I had thought and have mentioned to yourself and our colleagues, that when our medical school has got well under way, we should propose to the federal government the association with that establishment, and at our own expense, of the clinical branch of our medical school, so that our students, after qualifying themselves with the other branches of the science

here, might complete their course of preparation by attending clinical lectures for six or twelve months at Norfolk.

But Richmond has another claim, *as being the seat of government.* The indisposition of Richmond towards our University has not been unfelt. But would it not be wiser in them to rest satisfied with the government and their local academy? Can they afford, on the question of a change of the seat of government, by hostilizing the middle counties, to transfer them from the eastern to the western interest? To make it their interest to withdraw from the former that ground of claim, if used for adversary purposes? With things as they are, let both parties remain content and united.

If, then, William and Mary is to be removed, and not to Richmond, can there be two opinions how its funds are to be directed to the best advantage for the public? When it was found that that seminary was entirely ineffectual towards the object of public education, and that one on a better plan, and in a better situation, must be provided, what was so obvious as to employ for that purpose the funds of the one abandoned, with what more would be necessary, to raise the new establishment? And what so obvious as to do now what might reasonably have been done then, by consolidating together the institutions and their funds? The plan sanctioned by the legislature required for our University ten professors, but the funds appropriated will maintain but

eight, and some of these are consequently overburdened with duties; the hundred thousand dollars of principal which you say still remains to William and Mary, by its interest of six thousand dollars, would give us the two deficient professors, with an annual surplus for the purchase of books; and certainly the legislature will see no public interest, after the expense incurred on the new establishment, in setting up a rival in the city of Richmond; they cannot think it better to have two institutions crippling one another, than one of healthy powers, competent to that highest grade of instruction which neither, with a divided support, could expect to attain.

Another argument may eventually arise in favor of consolidation. The contingent gift at the late session, of fifty thousand dollars, for books and apparatus, shows a sense in the legislature that those objects are still to be provided. If we fail in obtaining that sum, they will feel an incumbency to provide it otherwise. What so ready as the derelict capital of William and Mary, and the large library they uselessly possess? Should that college then be removed, I cannot doubt that the legislature, keeping in view its original object, will consolidate it with the University.

But it will not be removed. Richmond is doubtless in earnest, but that the Visitors should concur is impossible. The professors are the prime movers, and do not mean exactly what they propose. They hold up this raw-head and bloody-bones *in terrorem*

to us, to force us to receive them into our institution. Men who have degraded and foundered the vessel whose helm was entrusted to them, want now to force their incompetence on us. I know none of them personally, but judge of them from the fact and the opinion I hear from every one acquainted with the case, that it has been destroyed by their incompetence and mismanagement. Until the death of Bishop Madison, it kept at its usual stand of about eighty students. It is now dwindled to about twenty, and the professors acknowledge that on opening our doors, theirs may be shut. Their funds in that case, would certainly be acceptable and salutary to us. But not with the incubus of their faculty. When they find that their feint gives us no alarm, they will retract, will recall their grammar school, make their college useful as a sectional school of preparation for the University, and teach the languages, surveying, navigation, plane trigonometry, and such other elements of science as will be useful to many whose views do not call for a university education.

I will only add to this long letter an opinion that we had better say as little as we can on this whole subject; give them no alarm; let them petition for the removal; let them get the old structure completely on wheels, and not till then put in our claim to its reception. I shall communicate your letter, as you request, to Mr. Madison, and with it this answer. Why can you not call on us on your way

to Warminster, and make this a subject of conversation? With my devoted respects to Mrs. Cabell, assure her that she can be nowhere more cordially received than by the family of Monticello. And the deviation from your direct road is too small to merit consideration. Ever and affectionately your friend and servant.

TO MAJOR JOHN CARTWRIGHT.

MONTICELLO, June 5, 1824.

DEAR AND VENERABLE SIR,—I am much indebted for your kind letter of February the 29th, and for your valuable volume on the English Constitution. I have read this with pleasure and much approbation, and think it has deduced the Constitution of the English nation from its rightful root, the Anglo-Saxon. It is really wonderful, that so many able and learned men should have failed in their attempts to define it with correctness. No wonder then, that Paine, who thought more than he read, should have credited the great authorities who have declared, that the will of Parliament is the Constitution of England. So Marbois, before the French Revolution, observed to me that the Almanac Royal was the Constitution of France. Your derivation of it from the Anglo-Saxons, seems to be made on legitimate principles. Having driven out the former inhabitants of that part of the island called England, they became aborigines as to you, and your lineal

ancestors. They doubtless had a constitution; and although they have not left it in a written formula, to the precise text of which you may always appeal, yet they have left fragments of their history and laws, from which it may be inferred with considerable certainty. Whatever their history and laws show to have been practised with approbation, we may presume was permitted by their constitution; whatever was not so practiced, was not permitted. And although this constitution was violated and set at naught by Norman force, yet force cannot change right. A perpetual claim was kept up by the nation, by their perpetual demand of a restoration of their Saxon laws; which shows they were never relinquished by the will of the nation. In the pullings and haulings for these ancient rights, between the nation, and its kings of the races of Plantagenets, Tudors and Stuarts, there was sometimes gain, and sometimes loss, until the final reconquest of their rights from the Stuarts. The destruction and expulsion of this race broke the thread of pretended inheritance, extinguished all regal usurpations, and the nation re-entered into all its rights; and although in their bill of rights they specifically reclaimed some only, yet the omission of the others was no renunciation of the right to assume their exercise also, whenever occasion should occur. The new King received no rights or powers, but those expressly granted to him. It has ever appeared to me, that the difference between the Whig and the

Tory of England is, that the Whig deduces his rights from the Anglo-Saxon source, and the Tory from the Norman. And Hume, the great apostle of Toryism, says, in so many words, note AA to chapter 42, that, in the reign of the Stuarts, "it was the people who encroached upon the sovereign, not the sovereign who attempted, as is pretended, to usurp upon the people." This supposes the Norman usurpations to be rights in his successors. And again, C, 159, "the commons established a principle, which is noble in itself, and seems specious, but is belied by all history and experience, *that the people are the origin of all just power.*" And where else will this degenerate son of science, this traitor to his fellow men, find the origin of *just* powers, if not in the majority of the society? Will it be in the minority? Or in an individual of that minority?

Our Revolution commenced on more favorable ground. It presented us an album on which we were free to write what we pleased. We had no occasion to search into musty records, to hunt up royal parchments, or to investigate the laws and institutions of a semi-barbarous ancestry. We appealed to those of nature, and found them engraved on our hearts. Yet we did not avail ourselves of all the advantages of our position. We had never been permitted to exercise self-government. When forced to assume it, we were novices in its science. Its principles and forms had entered little into our former education. We established, however, some, although

not all its important principles. The constitutions of most of our States assert, that all power is inherent in the people; that they may exercise it by themselves, in all cases to which they think themselves competent, (as in electing their functionaries executive and legislative, and deciding by a jury of themselves, in all judiciary cases in which any fact is involved,) or they may act by representatives, freely and equally chosen; that it is their right and duty to be at all times armed; that they are entitled to freedom of person, freedom of religion, freedom of property, and freedom of the press. In the structure of our legislatures, we think experience has proved the benefit of subjecting questions to two separate bodies of deliberants; but in constituting these, natural right has been mistaken, some making one of these bodies, and some both, the representatives of property instead of persons; whereas the double deliberation might be as well obtained without any violation of true principle, either by requiring a greater age in one of the bodies, or by electing a proper number of representatives of persons, dividing them by lots into two chambers, and renewing the division at frequent intervals, in order to break up all cabals. Virginia, of which I am myself a native and resident, was not only the first of the States, but, I believe I may say, the first of the nations of the earth, which assembled its wise men peaceably together to form a fundamental constitution, to commit it to writing, and place it among

their archives, where every one should be free to appeal to its text. But this act was very imperfect. The other States, as they proceeded successively to the same work, made successive improvements; and several of them, still further corrected by experience, have, by conventions, still further amended their first forms. My own State has gone on so far with its *premiere ebauche;* but it is now proposing to call a convention for amendment. Among other improvements, I hope they will adopt the subdivision of our counties into wards. The former may be estimated at an average of twenty-four miles square; the latter should be about six miles square each, and would answer to the hundreds of your Saxon Alfred. In each of these might be, 1st, an elementary school; 2d, a company of militia, with its officers; 3d, a justice of the peace and constable; 4th, each ward should take care of their own poor; 5th, their own roads; 6th, their own police; 7th, elect within themselves one or more jurors to attend the courts of justice; and 8th, give in at their folk-house, their votes for all functionaries reserved to their election. Each ward would thus be a small republic within itself, and every man in the State would thus become an acting member of the common government, transacting in person a great portion of its rights and duties, subordinate indeed, yet important, and entirely within his competence. The wit of man cannot devise a more solid basis for a free, durable and well-administered republic.

With respect to our State and federal governments, I do not think their relations correctly understood by foreigners. They generally suppose the former subordinate to the latter. But this is not the case. They are co-ordinate departments of one simple and integral whole. To the State governments are reserved all legislation and administration, in affairs which concern their own citizens only, and to the federal government is given whatever concerns foreigners, or the citizens of other States; these functions alone being made federal. The one is the domestic, the other the foreign branch of the same government; neither having control over the other, but within its own department. There are one or two exceptions only to this partition of power. But, you may ask, if the two departments should claim each the same subject of power, where is the common umpire to decide ultimately between them? In cases of little importance or urgency, the prudence of both parties will keep them aloof from the questionable ground; but if it can neither be avoided nor compromised, a convention of the States must be called, to ascribe the doubtful power to that department which they may think best. You will perceive by these details, that we have not yet so far perfected our constitutions as to venture to make them unchangeable. But still, in their present state, we consider them not otherwise changeable than by the authority of the people, on a special election of representatives for that purpose expressly: they are until then the *lex legum*.

But can they be made unchangeable? Can one generation bind another, and all others, in succession forever? I think not. The Creator has made the earth for the living, not the dead. Rights and powers can only belong to persons, not to things, not to mere matter, unendowed with will. The dead are not even things. The particles of matter which composed their bodies, make part now of the bodies of other animals, vegetables, or minerals, of a thousand forms. To what then are attached the rights and powers they held while in the form of men? A generation may bind itself as long as its majority continues in life; when that has disappeared, another majority is in place, holds all the rights and powers their predecessors once held, and may change their laws and institutions to suit themselves. Nothing then is unchangeable but the inherent and unalienable rights of man.

I was glad to find in your book a formal contradiction, at length, of the judiciary usurpation of legislative powers; for such the judges have usurped in their repeated decisions, that Christianity is a part of the common law. The proof of the contrary, which you have adduced, is incontrovertible; to wit, that the common law existed while the Anglo-Saxons were yet pagans, at a time when they had never yet heard the name of Christ pronounced, or knew that such a character had ever existed. But it may amuse you, to show when, and by what means, they stole this law in upon us. In a case of *quare impedit*

in the Year-book 34, H. 6, folio 38, (anno 1458,) a question was made, how far the ecclesiastical law was to be respected in a common law court? And Prisot, Chief Justice, gives his opinion in these words: "A tiel leis qu' ils de seint eglise ont en *ancien scripture*, covient à nous à donner credence; car ceo common ley sur quels touts manners leis sont fondés. Et auxy, Monsieur, nous sumus oblègés de conustre lour ley de saint eglise; et semblablement ils sont obligé de consustre nostre ley. Et, Monsieur, si poit apperer or à nous que l'evesque ad fait come un ordinary fera en tiel cas, adong nous devons cee adjuger bon, ou auterment nemy," etc. See S. C. Fitzh. Abr. Qu. imp. 89, Bro. Abr. Qu. imp. 12. Finch in his first book, c. 3, is the first afterwards who quotes this case and mistakes it thus: "To such laws of the church as have warrant in *holy scripture*, our law giveth credence." And cites Prisot; mistranslating "*ancien scripture*," into "*holy scripture*." Whereas Prisot palpably says, "to such laws as those of holy church have in *ancient writing*, it is proper for us to give credence," to wit, to their *ancient written* laws. This was in 1613, a century and a half after the dictum of Prisot. Wingate, in 1658, erects this false translation into a maxim of the common law, copying the words of Finch, but citing Prisot, Wing. Max. 3. And Sheppard, title, "Religion," in 1675, copies the same mistranslation, quoting the Y. B. Finch and Wingate. Hale expresses it in these words: "Christianity is parcel of the laws of England." 1 Ventr.

293, 3 Keb. 607. But he quotes no authority. By these echoings and re-echoings from one to another, it had become so established in 1728, that in the case of the King *vs.* Woolston, 2 Stra. 834, the court would not suffer it to be debated, whether to write against Christianity was punishable in the temporal court at common law? Wood, therefore, 409, ventures still to vary the phrase, and say, that all blasphemy and profaneness are offences by the common law; and cites 2 Stra. Then Blackstone, in 1763, IV. 59, repeats the words of Hale, that "Christianity is part of the laws of England," citing Ventris and Strange. And finally, Lord Mansfield, with a little qualification, in Evans' case, in 1767, says that "the essential principles of revealed religion are part of the common law." Thus ingulfing Bible, Testament and all into the common law, without citing any authority. And thus we find this chain of authorities hanging link by link, one upon another, and all ultimately on one and the same hook, and that a mistranslation of the words "*ancien scripture*," used by Prisot. Finch quotes Prisot; Wingate does the same. Sheppard quotes Prisot, Finch and Wingate. Hale cites nobody. The court in Woolston's case, cites Hale. Wood cites Woolston's case. Blackstone quotes Woolston's case and Hale. And Lord Mansfield, like Hale, ventures it on his own authority. Here I might defy the best-read lawyer to produce another scrip of authority for this judiciary forgery; and I might go on further to show, how some of the

Anglo-Saxon priests interpolated into the text of Alfred's laws, the 20th, 21st, 22d, and 23d chapters of Exodus, and the 15th of the Acts of the Apostles, from the 23d to the 29th verses. But this would lead my pen and your patience too far. What a conspiracy this, between Church and State! Sing Tantarara, rogues all, rogues all, Sing Tantarara, rogues all!

I must still add to this long and rambling letter, my acknowledgments for your good wishes to the University we are now establishing in this State. There are some novelties in it. Of that of a professorship of the principles of government, you express your approbation. They will be founded in the rights of man. That of agriculture, I am sure, you will approve; and that also of Anglo-Saxon. As the histories and laws left us in that type and dialect, must be the text-books of the reading of the learners, they will imbibe with the language their free principles of government. The volumes you have been so kind as to send, shall be placed in the library of the University. Having at this time in England a person sent for the purpose of selecting some professors, a Mr. Gilmer of my neighborhood, I cannot but recommend him to your patronage, counsel and guardianship, against imposition, misinformation, and the deceptions of partial and false recommendations, in the selection of characters. He is a gentleman of great worth and correctness, my particular friend, well educated

in various branches of science, and worthy of entire confidence.

Your age of eighty-four and mine of eighty-one years, insure us a speedy meeting. We may then commune at leisure, and more fully, on the good and evil which, in the course of our long lives, we have both witnessed; and in the meantime, I pray you to accept assurances of my high veneration and esteem for your person and character.

TO MARTIN VAN BUREN.

MONTICELLO, June 29, 1824.

DEAR SIR,—I have to thank you for Mr. Pickering's elaborate philippic against Mr. Adams, Gerry, Smith, and myself; and I have delayed the acknowledgment until I could read it and make some observations on it.

I could not have believed, that for so many years, and to such a period of advanced age, he could have nourished passions so vehement and viperous. It appears, that for thirty years past, he has been industriously collecting materials for vituperating the characters he had marked for his hatred; some of whom, certainly, if enmities towards him had ever existed, had forgotten them all, or buried them in the grave with themselves. As to myself, there never had been anything personal between us, nothing but the general opposition of party sentiment; and our personal intercourse had been that of

urbanity, as himself says. But it seems he has been all this time brooding over an enmity which I had never felt, and that with respect to myself, as well as others, he has been writing far and near, and in every direction, to get hold of original letters, where he could, copies, where he could not, certificates and journals, catching at every gossiping story he could hear of in any quarter, supplying by suspicions what he could find nowhere else, and then arguing on this motley farrago, as if established on gospel evidence. And while expressing his wonder, that "at the age of eighty-eight, the strong passions of Mr. Adams should not have cooled;" that on the contrary, "they had acquired the mastery of his soul," (p. 100;) that "where these were enlisted, no reliance could be placed on his statements," (p. 104;) the facility and little truth with which he could represent facts and occurrences, concerning persons who were the objects of his hatred, (p. 3;) that "he is capable of making the grossest misrepresentations, and, from detached facts, and often from bare suspicions, of drawing unwarrantable inferences, if suited to his purpose at the instant," (p. 174;) while making such charges, I say, on Mr. Adams, instead of his "*ecce homo*," (p. 100;) how justly might we say to him, "*mutato nomine, de te fabula narratur.*" For the assiduity and industry he has employed in his benevolent researches after matter of crimination against us, I refer to his pages 13, 14, 34, 36, 46, 71, 79, 90, bis. 92, 93, bis. 101, ter. 104, 116, 118, 141, 143,

146, 150, 151, 153, 168, 171, 172. That Mr. Adams' strictures on him, written and printed, should have excited some notice on his part, was not perhaps to be wondered at. But the sufficiency of his motive for the large attack on me may be more questionable. He says (p. 4), "of Mr. Jefferson I should have said nothing, but for his letter to Mr. Adams, of October the 12th, 1823." Now the object of that letter was to soothe the feelings of a friend, wounded by a publication which I thought an "outrage on private confidence." Not a word or allusion in it respecting Mr. Pickering, nor was it suspected that it would draw forth his pen in justification of this infidelity, which he has, however, undertaken in the course of his pamphlet, but more particularly in its conclusion.

He arraigns me on two grounds, my actions and my motives. The very actions, however, which he arraigns, have been such as the great majority of my fellow citizens have approved. The approbation of Mr. Pickering, and of those who thought with him, I had no right to expect. My motives he chooses to ascribe to hypocrisy, to ambition, and a passion for popularity. Of these the world must judge between us. It is no office of his or mine. To that tribunal I have ever submitted my actions and motives, without ransacking the Union for certificates, letters, journals, and gossiping tales, to justify myself and weary them. Nor shall I do this on the present occasion, but leave still to them these anti-

quated party diatribes, now newly revamped and paraded, as if they had not been already a thousand times repeated, refuted, and adjudged against him, by the nation itself. If no action is to be deemed virtuous for which malice can imagine a sinister motive, then there never was a virtuous action; no, not even in the life of our Saviour Himself. But He has taught us to judge the tree by its fruit, and to leave motives to Him who can alone see into them.

But whilst I leave to its fate the libel of Mr. Pickering, with the thousands of others like it, to which I have given no other answer than a steady course of similar action, there are two facts or fancies of his which I must set to rights. The one respects Mr. Adams, the other myself. He observes that my letter of October the 12th, 1823, acknowledges the receipt of one from Mr. Adams, of September the 18th, which, having been written a few days after Cunningham's publication, he says was no doubt written to apologize to me for the pointed reproaches he had uttered against me in his confidential letters to Cunningham. And thus having no "doubt" of his conjecture, he considers it as proven, goes on to suppose the contents of the letter, (19, 22,) makes it place Mr. Adams at my feet suing for pardon, and continues to rant upon it, as an undoubted fact. Now, I do most solemnly declare, that so far from being a letter of apology, as Mr. Pickering so undoubtedly assumes, there was not a word or allusion in it respecting Cunningham's publication.

The other allegation respecting myself, is equally false. In page 34, he quotes Doctor Stuart as having, twenty years ago, informed him that General Washington, "when he became a private citizen," called me to account for expressions in a letter to Mazzei, requiring, in a tone of unusual severity, an explanation of that letter. He adds of himself, "in what manner the latter humbled himself and appeased the just resentment of Washington, will never be made known, as some time after his death the correspondence was not to be found, and a diary for an important period of his Presidency was also missing." The diary being of transactions during his Presidency, the letter to Mazzei not known here until some time *after he became a private citizen*, and the pretended correspondence of course after that, I know not why this lost diary and supposed correspondence are brought together here, unless for insinuations worthy of the letter itself. The correspondence could not be found, indeed, because it had never existed. I do affirm that there never passed a word, written or verbal, directly or indirectly, between General Washington and myself on the subject of that letter. He would never have degraded himself so far as to take to himself the imputation in that letter on the "Samsons in combat." The whole story is a fabrication, and I defy the framers of it, and all mankind, to produce a scrip of a pen between General Washington and myself on the subject, or any other evidence more worthy

of credit than the suspicions, suppositions and presumptions of the two persons here quoting and quoted for it. With Doctor Stuart I had not much acquaintance. I supposed him to be an honest man, knew him to be a very weak one, and, like Mr. Pickering, very prone to antipathies, boiling with party passions, and under the dominion of these readily welcoming fancies for facts. But come the story from whomsoever it might, it is an unqualified falsehood.

This letter to Mazzei has been a precious theme of crimination for federal malice. It was a long letter of business, in which was inserted a single paragraph only of political information as to the state of our country. In this information there was not one word which would not then have been, or would not now be approved by every republican in the United States, looking back to those times, as you will see by a faithful copy now enclosed of the whole of what that letter said on the subject of the United States, or of its government. This paragraph, extracted and translated, got into a Paris paper at a time when the persons in power there were laboring under very general disfavor, and their friends were eager to catch even at straws to buoy them up. To them, therefore, I have always imputed the interpolation of an entire paragraph additional to mine, which makes me charge my own country with ingratitude and injustice to France. There was not a word in my letter respecting France, or any of the proceed-

ings or relations between this country and that. Yet this interpolated paragraph has been the burden of federal calumny, has been constantly quoted by them, made the subject of unceasing and virulent abuse, and is still quoted, as you see, by Mr. Pickering, page 33, as if it were genuine, and really written by me. And even Judge Marshall makes history descend from its dignity, and the ermine from its sanctity, to exaggerate, to record, and to sanction this forgery. In the very last note of his book, he says, "a letter from Mr. Jefferson to Mr. Mazzei, an Italian, was published in Florence, and re-published in the Moniteur, with very severe strictures on the conduct of the United States." And instead of the letter itself, he copies what he says are the remarks of the editor, which are an exaggerated commentary on the fabricated paragraph itself, and silently leaves to his reader to make the ready inference that these were the sentiments of the letter. Proof is the duty of the affirmative side. A negative cannot be positively proved. But, in defect of impossible proof of what was not in the original letter, I have its press-copy still in my possession. It has been shown to several, and is open to any one who wishes to see it. I have presumed only, that the interpolation was done in Paris. But I never saw the letter in either its Italian or French dress, and it may have been done here, with the commentary handed down to posterity by the Judge. The genuine paragraph, re-translated through Italian and French into Eng-

lish, as it appeared here in a federal paper, besides the mutilated hue which these translations and retranslations of it produced generally, gave a mistranslation of a single word, which entirely perverted its meaning, and made it a pliant and fertile text of misrepresentation of my political principles. The original, speaking of an Anglican, monarchical and aristocratical party, which had sprung up since he had left us, states their object to be "to draw over us the substance, as they had already done the *forms* of the British Government." Now the "forms" here meant, were the levees, birthdays, the pompous cavalcade to the State House on the meeting of Congress, the formal speech from the throne, the procession of Congress in a body to re-echo the speech in an answer, etc., etc. But the translator here, by substituting *form* in the singular number, for *forms* in the plural, made it mean the frame or organization of our government, or its form of legislative, executive, and judiciary authorities, coördinate and independent; to which *form* it was to be inferred that I was an enemy. In this sense they always quoted it, and in this sense Mr. Pickering still quotes it, pages 34, 35, 38, and countenances the inference. Now General Washington perfectly understood what I meant by these forms, as they were frequent subjects of conversation between us. When, on my return from Europe, I joined the government in March, 1790, at New York, I was much astonished, indeed, at the mimicry I found

established of royal forms and ceremonies, and more alarmed at the unexpected phenomenon, by the monarchical sentiments I heard expressed and openly maintained in every company, and among others by the high members of the government, executive and judiciary, (General Washington alone excepted,) and by a great part of the legislature, save only some members who had been of the old Congress, and a very few of recent introduction. I took occasion, at various times, of expressing to General Washington my disappointment at these symptoms of a change of principle, and that I thought them encouraged by the forms and ceremonies which I found prevailing, not at all in character with the simplicity of republican government, and looking as if wishfully to those of European courts. His general explanations to me were, that when he arrived at New York to enter on the executive administration of the new government, he observed to those who were to assist him, that placed as he was in an office entirely new to him, unacquainted with the forms and ceremonies of other governments, still less apprized of those which might be properly established here, and himself perfectly indifferent to all forms, he wished them to consider and prescribe what they should be; and the task was assigned particularly to General Knox, a man of parade, and to Colonel Humphreys, who had resided some time at a foreign court. They, he said, were the authors of the present regulations, and that others

were proposed so highly strained that he absolutely rejected them. Attentive to the difference of opinion prevailing on this subject, when the term of his second election arrived, he called the Heads of departments together, observed to them the situation in which he had been at the commencement of the government, the advice he had taken and the course he had observed in compliance with it; that a proper occasion had now arrived of revising that course, of correcting it in any particulars not approved in experience; and he desired us to consult together, agree on any changes we should think for the better, and that he should willingly conform to what we should advise. We met at my office. Hamilton and myself agreed at once that there was too much ceremony for the character of our government, and particularly, that the parade of the installation at New York ought not to be copied on the present occasion, that the President should desire the Chief Justice to attend him at his chambers, that he should administer the oath of office to him in the presence of the higher officers of the government, and that the certificate of the fact should be delivered to the Secretary of State to be recorded. Randolph and Knox differed from us, the latter vehemently; they thought it not advisable to change any of the established forms, and we authorized Randolph to report our opinions to the President. As these opinions were divided, and no positive advice given as to any change, no change was made. Thus the forms

which I had censured in my letter to Mazzei were perfectly understood by General Washington, and were those which he himself but barely tolerated. He had furnished me a proper occasion for proposing their reformation, and my opinion not prevailing, he knew I could not have meant any part of the censure for him.

Mr. Pickering quotes, too, (page 34) the expression in the letter, of "the men who were Samsons in the field, and Solomons in the council, but who had had their heads shorn by the harlot England;" or, as expressed in their re-translation, "the men who were Solomons in council, and Samsons in combat, but whose hair had been cut off by the whore England." Now this expression also was perfectly understood by General Washington. He knew that I meant it for the Cincinnati generally, and that from what had passed between us at the commencement of that institution, I could not mean to include him. When the first meeting was called for its establishment, I was a member of the Congress then sitting at Annapolis. General Washington wrote to me, asking my opinion on that proposition, and the course, if any, which I thought Congress would observe respecting it. I wrote him frankly my own disapprobation of it; that I found the members of Congress generally in the same sentiment; that I thought they would take no express notice of it, but that in all appointments of trust, honor, or profit, they would silently pass by all candidates

of that order, and give an uniform preference to others. On his way to the first meeting in Philadelphia, which I think was in the spring of 1784, he called on me at Annapolis. It was a little after candle-light, and he sat with me till after midnight, conversing, almost exclusively, on that subject. While he was feelingly indulgent to the motives which might induce the officers to promote it, he concurred with me entirely in condemning it; and when I expressed an idea that if the hereditary quality were suppressed, the institution might perhaps be indulged during the lives of the officers now living, and who had actually served; "no," he said, "not a fibre of it ought to be left, to be an eye-sore to the public, a ground of dissatisfaction, and a line of separation between them and their country;" and he left me with a determination to use all his influence for its entire suppression. On his return from the meeting he called on me again, and related to me the course the thing had taken. He said that from the beginning, he had used every endeavor to prevail on the officers to renounce the project altogether, urging the many considerations which would render it odious to their fellow citizens, and disreputable and injurious to themselves; that he had at length prevailed on most of the old officers to reject it, although with great and warm opposition from others, and especially the younger ones, among whom he named Colonel W. S. Smith as particularly intemperate. But that in this state of things,

entitled to the appellation of the father of that republic which they were endeavoring to subvert, and the republicans to maintain. They cannot deny, because the elections proclaimed the truth, that the great body of the nation approved the republican measures. General Washington was himself sincerely a friend to the republican principles of our Constitution. His faith, perhaps, in its duration, might not have been as confident as mine; but he repeatedly declared to me, that he was determined it should have a fair chance for success, and that he would lose the last drop of his blood in its support, against any attempt which might be made to change it from its republican form. He made these declarations the oftener, because he knew my suspicions that Hamilton had other views, and he wished to quiet my jealousies on this subject. For Hamilton frankly avowed that he considered the British Constitution, with all the corruptions of its administration, as the most perfect model of government which had ever been devised by the wit of man; professing however, at the same time, that the spirit of this country was so fundamentally republican, that it would be visionary to think of introducing monarchy here, and that, therefore, it was the duty of its administrators to conduct it on the principles their constituents had elected.

General Washington, after the retirement of his first Cabinet, and the composition of his second, entirely federal, and at the head of which was Mr.

Pickering himself, had no opportunity of hearing both sides of any question. His measures, consequently, took more the hue of the party in whose hands he was. These measures were certainly not approved by the republicans; yet were they not imputed to him, but to the counsellors around him; and his prudence so far restrained their impassioned course and bias, that no act of strong mark, during the remainder of his administration, excited much dissatisfaction. He lived too short a time after, and too much withdrawn from information, to correct the views into which he had been deluded; and the continued assiduities of the party drew him into the vortex of their intemperate career; separated him still farther from his real friends, and excited him to actions and expressions of dissatisfaction, which grieved them, but could not loosen their affections from him. They would not suffer the temporary aberration to weigh against the immeasurable merits of his life; and although they tumbled his seducers from their places, they preserved his memory embalmed in their hearts, with undiminished love and devotion; and there it forever will remain embalmed, in entire oblivion of every temporary thing which might cloud the glories of his splendid life. It is vain, then, for Mr. Pickering and his friends to endeavor to falsify his character, by representing him as an enemy to republicans and republican principles, and as exclusively the friend of those who were so; and had he lived longer, he

would have returned to his ancient and unbiased opinions, would have replaced his confidence in those whom the people approved and supported, and would have seen that they were only restoring and acting on the principles of his own first administration.

I find, my dear Sir, that I have written you a very long letter, or rather a history. The civility of having sent me a copy of Mr. Pickering's diatribe, would scarcely justify its address to you. I do not publish these things, because my rule of life has been never to harass the public with fendings and provings of personal slanders; and least of all would I descend into the arena of slander with such a champion as Mr. Pickering. I have ever trusted to the justice and consideration of my fellow citizens, and have no reason to repent it, or to change my course. At this time of life too, tranquillity is the *summum bonum*. But although I decline all newspaper controversy, yet when falsehoods have been advanced, within the knowledge of no one so much as myself, I have sometimes deposited a contradiction in the hands of a friend, which, if worth preservation, may, when I am no more, nor those whom I might offend, throw light on history, and recall that into the path of truth. And if of no other value, the present communication may amuse you with anecdotes not known to every one.

I had meant to have added some views on the amalgamation of parties, to which your favor of the

8th has some allusion; an amalgamation of name, but not of principle. Tories are Tories still, by whatever name they may be called. But my letter is already too unmercifully long, and I close it here with assurances of my great esteem and respectful consideration.

TO JAMES MADISON.

MONTICELLO, July 14, 1824.

DEAR SIR,—I have attentively read your letter to Mr. Wheaton on the question whether, at the date of the message to Congress recommending the embargo of 1807, we had knowledge of the order of council of November 11th; and according to your request I have resorted to my papers, as well as my memory, for the testimony these might afford additional to yours. There is no fact in the course of my life which I recollect more strongly, than that of my being at the date of the message in possession of an English newspaper containing a copy of the proclamation. I am almost certain, too, that it was under the ordinary authentication of the government; and between November 11th and December 17th, there was time enough (thirty-five days) to admit the receipt of such a paper, which I think came to me through a private channel, probably put on board some vessel about sailing, the moment it appeared.

Turning to my papers, I find that I had prepared a first draught of a message in which was this para-

graph: "The British regulations had before reduced us to a direct voyage, to a single port of their enemies, and it is now believed they will interdict all commerce whatever with them. A proclamation, too, of that government of ——(not officially indeed communicated to us, yet so given out to the public as to become a rule of action with them,) seems to have shut the door on all negotiation with us except as to the single aggression on the Chesapeake." You, however, suggested a substitute (which I have now before me, written with a pencil and) which, with some unimportant amendments, I preferred to my own, and was the one I sent to Congress. It was in these words, "the *communications* now made, showing the great and increasing dangers with which seamen, etc., ——ports of the United States." This shows that we communicated to them papers of information on the subject; and as it was our interest, and our duty, to give them the strongest information we possessed to justify our opinion and their action on it, there can be no doubt we sent them this identical paper. For what stronger could we send them? I am the more strengthened in the belief that we did send it, from the fact, which the newspapers of the day will prove, that in the reprobations of the measure published in them by its enemies, they indulged themselves in severe criticisms on our having considered a newspaper as a proper document to lay before Congress, and a sufficient foundation for so serious a measure; and considering this as no sufficient information of the fact,

they continued perseveringly to deny that we had knowledge of the order of council when we recommended the embargo; admitting, because they could not deny, the existence of the order, they insisted only on our supposed ignorance of it as furnishing them a ground of crimination. But I had no idea that this gratuitous charge was believed by any one at this day. In addition to our testimony, I am sure Mr. Gallatin, General Dearborn and Mr. Smith, will recollect that we possessed the newspaper, and acted on a view of the proclamation it contained. If you think this statement can add anything in corroboration of yours, make what use you please of it, and accept assurances of my constant affection and respect.

TO LEWIS E. BECK.

MONTICELLO, July 16, 1824.

I thank you, Sir, for your pamphlet on the climate of the West, and have read it with great satisfaction. Although it does not yet establish a satisfactory theory, it is an additional step towards it. Mine was perhaps the first attempt, not to form a theory, but to bring together the few facts then known, and suggest them to public attention. They were written between forty and fifty years ago, before the close of the Revolutionary war, when the western country was a wilderness, untrodden but by the foot of the savage or the hunter. It is now flourishing in popu-

lation and science, and after a few years more of observation and collection of facts, they will doubtless furnish a theory of solid foundation. Years are requisite for this, steady attention to the thermometer, to the plants growing there, the times of their leafing and flowering, its animal inhabitants, beasts, birds, reptiles and insects; its prevalent winds, quantities of rain and snow, temperature of fountains, and other indexes of climate. We want this indeed for all the States, and the work should be repeated once or twice in a century, to show the effect of clearing and culture towards changes of climate. My Notes give a very imperfect idea of what our climate was, half a century ago, at this place, which being nearly central to the State may be taken for its medium. Latterly, after seven years of close and exact observation, I have prepared an estimate of what it is now, which may some day be added to the former work; and I hope something like this is doing in the other States, which, when all shall be brought together, may produce theories meriting confidence. I trust that yourself will not be inattentive to this service, and that to that of the present epoch you may be able to add a second at the distance of another half century. With this wish accept the assurance of my respectful consideration.

TO HENRY LEE.

MONTICELLO, August 10, 1824.

SIR,—I have duly received your favor of the 14th, and with it the prospectus of a newspaper which it covered. If the style and spirit of that should be maintained in the paper itself, it will be truly worthy of the public patronage. As to myself, it is many years since I have ceased to read but a single paper. I am no longer, therefore, a general subscriber for any other. Yet, to encourage the hopeful in the outset, I have sometimes subscribed for the first year on condition of being discontinued at the end of it, without further warning. I do the same now with pleasure for yours; and unwilling to have outstanding accounts, which I am liable to forget, I now enclose the price of the tri-weekly paper. I am no believer in the amalgamation of parties, nor do I consider it as either desirable or useful for the public; but only that, like religious differences, a difference in politics should never be permitted to enter into social intercourse, or to disturb its friendships, its charities, or justice. In that form, they are censors of the conduct of each other, and useful watchmen for the public. Men by their constitutions are naturally divided into two parties: 1. Those who fear and distrust the people, and wish to draw all powers from them into the hands of the higher classes. 2. Those who identify themselves with the people, have confidence in them, cherish and consider them as the

most honest and safe, although not the most wise depository of the public interests. In every country these two parties exist, and in every one where they are free to think, speak, and write, they will declare themselves. Call them, therefore, Liberals and Serviles, Jacobins and Ultras, Whigs and Tories, Republicans and Federalists, Aristocrats and Democrats, or by whatever name you please, they are the same parties still, and pursue the same object. The last appellation of Aristocrats and Democrats is the true one expressing the essence of all. A paper which shall be governed by the spirit of Mr. Madison's celebrated report, of which you express in your prospectus so just and high an approbation, cannot be false to the rights of all classes. The grandfathers of the present generation of your family I knew well. They were friends and fellow laborers with me in the same cause and principle. Their descendants cannot follow better guides. Accept the assurance of my best wishes and respectful consideration.

TO WILLIAM LUDLOW.

MONTICELLO, September 6, 1824.

SIR,—The idea which you present in your letter of July 30th, of the progress of society from its rudest state to that it has now attained, seems conformable to what may be probably conjectured. Indeed, we have under our eyes tolerable proofs of it. Let a

philosophic observer commence a journey from the savages of the Rocky Mountains, eastwardly towards our seacoast. These he would observe in the earliest stage of association living under no law but that of nature, subsisting and covering themselves with the flesh and skins of wild beasts. He would next find those on our frontiers in the pastoral state, raising domestic animals to supply the defects of hunting. Then succeed our own semi-barbarous citizens, the pioneers of the advance of civilization, and so in his progress he would meet the gradual shades of improving man until he would reach his, as yet, most improved state in our seaport towns. This, in fact, is equivalent to a survey, in time, of the progress of man from the infancy of creation to the present day. I am eighty-one years of age, born where I now live, in the first range of mountains in the interior of our country. And I have observed this march of civilization advancing from the seacoast, passing over us like a cloud of light, increasing our knowledge and improving our condition, insomuch as that we are at this time more advanced in civilization here than the seaports were when I was a boy. And where this progress will stop no one can say. Barbarism has, in the meantime, been receding before the steady step of amelioration; and will in time, I trust, disappear from the earth. You seem to think that this advance has brought on too complicated a state of society, and that we should gain in happiness by treading back our steps a little way.

I think, myself, that we have more machinery of government than is necessary, too many parasites living on the labor of the industrious. I believe it might be much simplified to the relief of those who maintain it. Your experiment seems to have this in view. A society of seventy families, the number you name, may very possibly be governed as a single family, subsisting on their common industry, and holding all things in common. Some regulators of the family you still must have, and it remains to be seen at what period of your increasing population your simple regulations will cease to be sufficient to preserve order, peace, and justice. The experiment is interesting; I shall not live to see its issue, but I wish it success equal to your hopes, and to yourself and society prosperity and happiness.

TO THE MARQUIS DE LA FAYETTE.

MONTICELLO, October 9, 1824.

I have duly received, my dear friend and General, your letter of the 1st from Philadelphia, giving us the welcome assurance that you will visit the neighborhood which, during the march of our enemy near it, was covered by your shield from his robberies and ravages. In passing the line of your former march you will experience pleasing recollections of the good you have done. My neighbors, too, of our academical village, who well remember their obligations to you, have expressed to you, in a

letter from a committee appointed for that purpose, their hope that you will accept manifestations of their feelings, simple indeed, but as cordial as any you will have received. It will be an additional honor to the University of the State that you will have been its first guest. Gratify them, then, by this assurance to their committee, if it has not been done. But what recollections, dear friend, will this call up to you and me! What a history have we to run over from the evening that yourself, Mousnier, Bernau, and other patriots settled, in my house in Paris, the outlines of the constitution you wished! And to trace it through all the disastrous chapters of Robespierre, Barras, Bonaparte, and the Bourbons! These things, however, are for our meeting. You mention the return of Miss Wright to America, accompanied by her sister; but do not say what her stay is to be, nor what her course. Should it lead her to a visit of our University, which, in its architecture only, is as yet an object, herself and her companion will nowhere find a welcome more hearty than with Mrs. Randolph, and all the inhabitants of Monticello. This Athenæum of our country, in embryo, is as yet but promise; and not in a state to recall the recollections of Athens. But everything has its beginning, its growth, and end; and who knows with what future delicious morsels of philosophy, and by what future Miss Wright raked from its ruins, the world may, some day, be gratified and instructed? Your son George we shall be very

happy indeed to see, and to renew in him the recollections of your very dear family; and the Revolutionary merit of M. le Vasseur has that passport to the esteem of every American, and, to me, the additional one of having been your friend and co-operator, and he will, I hope, join you in making headquarters with us at Monticello. But all these things *à revoir;* in the meantime we are impatient that your ceremonies at York should be over, and give you to the embraces of friendship.

P. S. Will you come by Mr. Madison's, or let him or me know on what day he may meet you here, and join us in our greetings?

TO RICHARD RUSH.

MONTICELLO, October 13, 1824.

DEAR SIR,—I must again beg the protection of your cover for a letter to Mr. Gilmer; although a little doubtful whether he may not have left you.

You will have seen by our papers the delirium into which our citizens are thrown by a visit from General La Fayette. He is making a triumphant progress through the States, from town to town, with acclamations of welcome, such as no crowned head ever received. It will have a good effect in favor of the General with the people in Europe, but probably a different one with their sovereigns. Its effect here, too, will be salutary as to ourselves, by

rallying us together and strengthening the habit of considering our country as one and indivisible, and I hope we shall close it with something more solid for him than dinners and balls. The eclat of this visit has almost merged the Presidential question, on which nothing scarcely is said in our papers. That question will lie ultimately between Crawford and Adams; but, at the same time, the vote of the people will be so distracted by subordinate candidates, that possibly they may make no election, and let it go to the House of Representatives. There, it is thought, Crawford's chance is best. We have nothing else interesting before the public. Of the two questions of the tariff and public improvements, the former, perhaps, is not yet at rest, and the latter will excite boisterous discussions. It happens that both these measures fall in with the Western interests, and it is their secession from the agricultural States which gives such strength to the manufacturing and consolidating parties, on these two questions. The latter is the most dreaded, because thought to amount to a determination in the federal government to assume all powers non-enumerated as well as enumerated in the Constitution, and by giving a loose to construction, make the text say whatever will relieve them from the bridle of the States. These are difficulties for your day; I shall give them the slip. Accept the assurance of my friendly attachment and great respect.

TO EDWARD EVERETT.

MONTICELLO, October 15, 1824.

DEAR SIR,—I have yet to thank you for your Φ C. K. oration, delivered in presence of General La Fayette. It is all excellent, much of it sublimely so, well worthy of its author and his subject, of whom we may truly say, as was said of Germanicus, "*fruitur fama sui.*"

Your letter of September the 10th gave me the first information that mine to Major Cartwright had got into the newspapers; and the first notice, indeed, that he had received it. I was a stranger to his person, but not to his respectable and patriotic character. I received from him a long and interesting letter, and answered it with frankness, going without reserve into several subjects, to which his letter had led, but on which I did not suppose I was writing for the newspapers. The publication of a letter in such a case, without the consent of the writer, is not a fair practice.

The part which you quote, may draw on me the host of judges and divines. They may cavil, but cannot refute it. Those who read Prisot's opinion with a candid view to understand, and not to chicane it, cannot mistake its meaning. The reports in the Year-books were taken very short. The opinions of the judges were written down sententiously, as notes or memoranda, and not with all the development which they probably used in delivering them.

Prisot's opinion, to be fully expressed, should be thus paraphrased: "To such laws as those of holy church have recorded, and preserved in their ancient books and writings, it is proper for us to give credence; for so is, or so says the common law, or law of the land, on which all manner of other laws rest for their authority, or are founded; that is to say, the common law, or the law of the land common to us all, and established by the authority of us all, is that from which is derived the authority of all other special and subordinate branches of law, such as the canon law, law merchant, law maritime, law of Gavelkind, Borough English, corporation laws, local customs and usages, to all of which the common law requires its judges to permit authority in the special or local cases belonging to them. The evidence of these laws is preserved in their ancient treatises, books and writings, in like manner as our own common law itself is known, the text of its original enactments having been long lost, and its substance only preserved in ancient and traditionary writings. And if it appears, from their ancient books, writings, and records, that the bishop, in this case, according to the rules prescribed by these authorities, has done what an ordinary would have done in such case, then we should adjudge it good, otherwise not." To decide this question, they would have to turn to the ancient writings and records of the canon law, in which they would find evidence of the laws of advowsons, *quare impedit*, the duties

of bishops and ordinaries, for which terms Prisot could never have meant to refer them to the Old or New Testament, *les saincts scriptures*, where surely they would not be found. A license which should permit "*ancien scripture*" to be translated "holy scripture," annihilates at once all the evidence of language. With such a license, we might reverse the sixth commandment into "thou shalt not omit murder." It would be the more extraordinary in this case, where the mistranslation was to effect the adoption of the whole code of the Jewish and Christian laws into the text of our statutes, to convert religious offences into temporal crimes, to make the breach of every religious precept a subject of indictment, submit the question of idolatry, for example, to the trial of a jury, and to a court, its punishment, to the third and fourth generation of the offender. Do we allow to our judges this lumping legislation?

The term "common law," although it has more than one meaning, is perfectly definite, *secundum subjectam materiem*. Its most probable origin was on the conquest of the Heptarchy by Alfred, and the amalgamation of their several codes of law into one, which became *common* to them all. The authentic text of these enactments has not been preserved; but their substance has been committed to many ancient books and writings, so faithfully as to have been deemed genuine from generation to generation, and obeyed as such by all. We have some fragments of them collected by Lambard,

Wilkins and others, but abounding with proofs of their spurious authenticity. Magna Charta is the earliest statute, the text of which has come down to us in an authentic form, and thence downward we have them entire. We do not know exactly when the *common* law and *statute* law, the *lex scripta et non scripta*, began to be contra-distinguished, so as to give a second acceptation to the former term; whether before, or after Prisot's day, at which time we know that nearly two centuries and a half of statutes were in preservation. In later times, on the introduction of the chancery branch of law, the term *common* law began to be used in a third sense, as the correlative of *chancery* law. This, however, having been long after Prisot's time, could not have been the sense in which he used the term. He must have meant the ancient *lex non scripta*, because, had he used it as inclusive of the *lex scripta*, he would have put his finger on the statute which had enjoined on the judges a deference to the laws of holy church. But no such statute existing, he must have referred to the common law in the sense of a *lex non scripta*. Whenever, then, the term *common law* is used in either of these senses, and it is never employed in any other, it is readily known in which of them, by the context and subject matter under consideration; which, in the present case, leave no room for doubt.

I do not remember the occasion which led me to take up this subject, while a practitioner of the law.

But I know I went into it with all the research which a very copious law library enabled me to indulge; and I fear not for the accuracy of any of my quotations. The doctrine might be disproved by many other and different topics of reasoning; but having satisfied myself of the origin of the forgery, and found how, like a rolling snow-ball, it had gathered volume, I leave its further pursuit to those who need further proof, and perhaps I have already gone further than the feeble doubt you expressed might require.

I salute you with great esteem and respect.

TO ———.

MONTICELLO, December 22, 1824.

DEAR SIR,—The proposition to remove William and Mary College to Richmond with all its present funds, and to add to it a musical school, is nothing more nor less than to remove the University also to that place. Because, if both remain, there will not be students enough to make either worthy the acceptance of men of the first order of science. They must each fall down to the level of our present academies, under the direction of common teachers, and our state of education must stand exactly where it now is. Few of the States have been able to maintain one university, none two. Surely the legislature, after such an expense incurred for a real university, and just as it is prepared to go into action

under hopeful auspices, will not consent to destroy it by this side-wind. As to the best course to be taken with William and Mary, I am not so good a judge as our colleagues on the spot. They have under their eyes the workings of the enemies of the University, masked and unmasked, and the intrigues of Richmond, which, after failing to obtain it in the first instance, endeavors to steal its location at this late hour. And they can best see what measures are most likely to counteract these insidious designs. On the question of the removal, I think our particular friends had better take no active part, but vote silently for or against it, according to their own judgment as to the public utility; and if they divide on the question, so much the better perhaps. I am glad the Visitors and professors have invoked the interference of the legislature, because it is an acknowledgment of its authority on behalf of the State to superintend and control it, of which I never had a doubt. It is an institution established for the public good, and not for the personal emolument of the professors, endowed from the public lands and organized by the executive functionary whose legal office it was. The acquiescence of both corporations under the authority of the legislature, removes what might otherwise have been a difficulty with some. If the question of removal be decided affirmatively, the next is, how shall their funds be disposed of most advantageously for the State in general? These are about one hundred thousand

dollars too much for a secondary or local institution. The giving a part of them to a school at Winchester, and part to Hampden Sidney, is well, as far as it goes; but does not go far enough. Why should not every part of the State participate equally of the benefit of this reversion of right which accrues to the whole equally? This would be no more a violation of law than the giving it to a few. You know that the Rockfish report proposed an intermediate grade of schools between the primary and the university. In that report the objects of the middle schools are stated. See page 10 of the copy I now enclose you. In these schools should be taught Latin and Greek, to a good degree, French also, numerical arithmetic, the elements of geometry, surveying, navigation, geography, the use of the globes, the outlines of the solar system, and elements of natural philosophy. Two professors would suffice for these, to wit: one for languages, the other for so much of mathematics and natural philosophy as is here proposed. This degree of education would be adapted to the circumstances of a very great number of our citizens, who, being intended for lives of business, would not aim at an university education. It would give us a body of yeomanry, too, of substantial information, well prepared to become a firm and steady support to the government; as schools of ancient languages, too, they would be preparatories for the University.

You have now a happy opportunity of carrying

this intermediate establishment into execution without laying a cent of tax on the people, or taking one from the treasury. Divide the State into college districts of about eighty miles square each. There would be about eight such districts below the Alleghany, and two beyond it, which would be necessarily of larger extent because of the sparseness of their population. The only advance these colleges would call for, would be for a dwelling-house for the teacher, of about one thousand two hundred dollars cost, and a boarding-house with four or five bedrooms, and a school-room for probably about twenty or thirty boys. The whole should not cost more than five thousand dollars, but the funds of William and Mary would enable you to give them ten thousand dollars each. The districts might be so laid off that the principal towns and the academies now existing might form convenient sites for their colleges; as, for example, Williamsburgh, Richmond, Fredericksburg, Hampden Sidney, Lynchburg or Lexington, Staunton, Winchester, etc. Thus, of William and Mary, you will make ten colleges, each as useful as she ever was, leaving one in Williamsburg by itself, placing as good a one within a day's ride of every man in the State, and get our whole scheme of education completely established.

I have said that no advance is necessary but for the erection of the buildings for these schools. Because the boys sent to them would be exclusively of a class of parents in competent circumstances to

pay teachers for the education of their own children. The ten thousand dollars given to each, would afford a surplus to maintain by its interest one or two persons duly selected for their genius, from the primary schools, of those too poor to proceed farther of their own means. You will remember that of the three bills I originally gave you, one was for these district colleges, and going into the necessary details. Will you not have every member in favor of this proposition, except those who are for gobbling up the whole funds themselves? The present professors might all be employed in the college of Richmond or Williamsburg, or any other they would prefer, with reasonable salaries in the meantime, until the system should get under way. This occasion of completing our system of education is a Godsend which ought not to pass away neglected. Many may be startled at the first idea. But reflection on the justice and advantage of the measure will produce converts daily and hourly to it. I certainly would not propose that the University should claim a cent of these funds in competition with the district colleges.

Would it not be better to say nothing about the last donation of fifty thousand dollars, and endeavor to get the money from Congress, and to press for it immediately. I cannot doubt their allowing it, and it would be much better to get it from them than to revive the displeasure of our own legislature.

You are aware that we have yet two professors to appoint, to wit: of natural history and moral

philosophy, and that we have no time to lose. I propose that such of our colleagues as are of the legislature, should name a day of meeting, convenient to themselves, and give notice of it by mail to Mr. Madison, General Cocke, and myself. But it should not be till the arrival of the three professors expected at Norfolk. On their arrival only can we publish the day of opening. Our Richmond mail-stage arrives here on Sunday and departs on Wednesday, and arrives again on Thursday and departs on Sunday. Each affording two spare intervening days, and requiring from here an absence of six days.

Mr. Long, professor of ancient languages, is located in his apartments at the University. He drew, by lot, pavilion No. 5. He appears to be a most amiable man, of fine understanding, well qualified for his department, and acquiring esteem as fast as he becomes known. Indeed, I have great hope that the whole selection will fulfil our wishes. Ever and affectionately yours.

TO JOHN ADAMS.

MONTICELLO, January 8, 1825.

DEAR SIR,—It is long since I have written to you. This proceeds from the difficulty of writing with my crippled wrist, and from an unwillingness to add to your inconveniences of either reading by the eyes, or writing by the hands of others. The account I receive of your physical situation afflicts me sin-

cerely; but if body or mind was one of them to give way, it is a great comfort that it is the mind which remains whole, and that its vigor, and that of memory continues firm. Your hearing, too, is good, as I am told. In this you have the advantage of me. The dulness of mine makes me lose much of the conversation of the world, and much a stranger to what is passing in it. Acquiescence is the only pillow, although not always a soft one. I have had one advantage of you. This Presidential election has given me few anxieties. With you this must have been impossible, independently of the question, whether we are at last to end our days under a civil or a military government. I am comforted and protected from other solicitudes by the cares of our University. In some departments of science we believe Europe to be in advance before us, and that it would advance ourselves were we to draw from thence instructors in these branches, and thus to improve our science, as we have done our manufactures, by borrowed skill. I have been much squibbed for this, perhaps by disappointed applicants for professorships to which they were deemed incompetent. We wait only the arrival of three of the professors engaged in England, to open our University.

I have lately been reading the most extraordinary of all books, and at the same time the most demonstrative by numerous and unequivocal facts. It is Flourend's experiments on the functions of the nervous system, in vertebrated animals. He takes out

the cerebrum completely, leaving the cerebellum and other parts of the system uninjured. The animal loses all its senses of hearing, seeing, feeling, smelling, tasting, is totally deprived of will, intelligence, memory, perception, etc., yet lives for months in perfect health, with all its powers of motion, but without moving but on external excitement, starving even on a pile of grain, unless crammed down its throat; in short, in a state of the most absolute stupidity. He takes the cerebellum out of others, leaving the cerebrum untouched. The animal retains all its senses, faculties, and understanding, but loses the power of regulated motion, and exhibits all the symptoms of drunkenness. While he makes incisions in the cerebrum and cerebellum, lengthwise and crosswise, which heal and get well, a puncture in the medulla elongata is instant death; and many other most interesting things too long for a letter. Cabanis had proved by the anatomical structure of certain portions of the human frame, that they might be capable of receiving from the hand of the Creator the faculty of thinking; Flourend proves that they have received it; that the cerebrum is the thinking organ; and that life and health may continue, and the animal be entirely without thought, if deprived of that organ. I wish to see what the spiritualists will say to this. Whether in this state the soul remains in the body, deprived of its essence of thought? or whether it leaves it, as in death, and where it goes? His memoirs and ex-

periments have been reported on with approbation by a committee of the Institute, composed of Cuvier, Bertholet, Dumaril, Portal and Pinel. But all this, you and I shall know better when we meet again, in another place, and at no distant period. In the meantime, that the revived powers of your frame, and the anodyne of philosophy may preserve you from all suffering, is my sincere and affectionate prayer.

TO WILLIAM SHORT.

MONTICELLO, January 8, 1825.

DEAR SIR,—I returned the first volume of Hall by a mail of a week ago, and by this, shall return the second. We have kept them long, but every member of the family wished to read his book, in which case, you know, it had a long gantlet to run. It is impossible to read thoroughly such writings as those of Harper and Otis, who take a page to say what requires but a sentence, or rather, who give you whole pages of what is nothing to the purpose. A cursory race over the ground is as much as they can claim. It is easy for them, at this day, to endeavor to whitewash their party, when the greater part are dead of those who witnessed what passed, others old and become indifferent to the subject, and others indisposed to take the trouble of answering them. As to Otis, his attempt is to prove that the sun does not shine at mid-day; that that is not a fact which

every one saw. He merits no notice. It is well known that Harper had little scruple about facts where detection was not obvious. By placing in false lights whatever admits it, and passing over in silence what does not, a plausible aspect may be presented of anything. He takes great pains to prove, for instance, that Hamilton was no monarchist, by exaggerating his own intimacy with him, and the impossibility, if he was so, that he should not, at some time, have betrayed it to him. This may pass with uninformed readers, but not with those who have had it from Hamilton's own mouth. I am one of those, and but one of many. At my own table, in presence of Mr. Adams, Knox, Randolph, and myself, in a dispute between Mr. Adams and himself, he avowed his preference of monarchy over every other government, and his opinion that the English was the most perfect model of government ever devised by the wit of man, Mr. Adams agreeing "if its corruptions were done away." While Hamilton insisted that "with these corruptions it was perfect, and without them it would be an impracticable government." Can any one read Mr. Adams' defence of the American Constitutions without seeing that he was a monarchist? And J. Q. Adams, the son, was more explicit than the father, in his answer to Paine's Rights of Man. So much for leaders. Their followers were divided. Some went the same lengths; others, and I believe the greater part, only wished a stronger Executive. When I

arrived at New York in 1790, to take a part in the administration, being fresh from the French Revolution, while in its first and pure stage, and consequently somewhat whetted up in my own republican principles, I found a state of things, in the general society of the place, which I could not have supposed possible. Being a stranger there, I was feasted from table to table, at large set dinners, the parties generally from twenty to thirty. The revolution I had left, and that we had just gone through in the recent change of our own government, being the common topics of conversation, I was astonished to find the general prevalence of monarchical sentiments, insomuch that in maintaining those of republicanism, I had always the whole company on my hands, never scarcely finding among them a single co-advocate in that argument, unless some old member of Congress happened to be present. The furthest that any one would go, in support of the republican features of our new government, would be to say, "the present Constitution is well as a beginning, and may be allowed a fair trial; but it is, in fact, only a stepping-stone to something better." Among their writers, Denny, the editor of the Portfolio, who was a kind of oracle with them, and styled the Addison of America, openly avowed his preference of monarchy over all other forms of government, prided himself on the avowal, and maintained it by argument freely and without reserve, in his publications. I do not, myself, know that the Essex junto

of Boston were monarchists, but I have always heard it so said, and never doubted.

These, my dear Sir, are but detached items from a great mass of proofs then fully before the public. They are unknown to you, because you were absent in Europe, and they are now disavowed by the party. But, had it not been for the firm and determined stand then made by a counter-party, no man can say what our government would have been at this day. Monarchy, to be sure, is now defeated, and they wish it should be forgotten that it was ever advocated. They see that it is desperate, and treat its imputation to them as a calumny; and I verily believe that none of them have it now in direct aim. Yet the spirit is not done away. The same party takes now what they deem the next best ground, the consolidation of the government; the giving to the federal member of the government, by unlimited constructions of the Constitution, a control over all the functions of the States, and the concentration of all power ultimately at Washington.

The true history of that conflict of parties will never be in possession of the public, until, by the death of the actors in it, the hoards of their letters shall be broken up and given to the world. I should not fear to appeal to those of Harper himself, if he has kept copies of them, for abundant proof that he was himself a monarchist. I shall not live to see these unrevealed proofs, nor probably you; for time will be requisite. But time will, in the end, produce

the truth. And, after all, it is but a truth which exists in every country, where not suppressed by the rod of despotism. Men, according to their constitutions, and the circumstances in which they are placed, differ honestly in opinion. Some are Whigs, Liberals, Democrats, call them what you please. Others are Tories, Serviles, Aristocrats, etc. The latter fear the people, and wish to transfer all power to the higher classes of society; the former consider the people as the safest depository of power in the last resort; they cherish them therefore, and wish to leave in them all the powers to the exercise of which they are competent. This is the division of sentiment now existing in the United States. It is the common division of Whig and Tory, or according to our denominations of republican and federal; and is the most salutary of all divisions, and ought, therefore, to be fostered, instead of being amalgamated. For, take away this, and some more dangerous principle of division will take its place. But there is really no amalgamation. The parties exist now as heretofore. The one, indeed, has thrown off its old name, and has not yet assumed a new one, although obviously consolidationists. And among those in the offices of every denomination I believe it to be a bare minority.

I have gone into these facts to show how one-sided a view of this case Harper has presented. I do not recall these recollections with pleasure, but rather wish to forget them, nor did I ever permit them to

affect social intercourse. And now, least of all, am disposed to do so. Peace and good will with all mankind is my sincere wish. I willingly leave to the present generation to conduct their affairs as they please. And in my general affection to the whole human family, and my particular devotion to my friends, be assured of the high and special estimation in which yourself is cordially held.

TO JOSEPH C. CABELL.

MONTICELLO, January 11, 1825.

DEAR SIR,—We are dreadfully nonplussed here by the non-arrival of our three professors. We apprehend that the idea of our opening on the 1st of February prevails so much abroad, (although we have always mentioned it doubtfully,) as that the students will assemble on that day without awaiting the further notice which was promised. To send them away will be discouraging, and to open an University without Mathematics or Natural Philosophy would bring on us ridicule and disgrace. We therefore publish an advertisement, stating that on *the arrival* of these professors, notice will be given of the day of opening the institution.

Governor Barbour writes me hopefully of getting our fifty thousand dollars from Congress. The proposition has been originated in the House of Representatives, referred to the committee of claims, the chairman of which has prepared a very favorable

report, and a bill conformable, assuming the repayment of all interest which the State has actually paid. The legislature will certainly owe to us the recovery of this money; for had they not given it in some measure the reverenced character of a donation for the promotion of learning, it would never have been paid. It is to be hoped, therefore, that the displeasure incurred by wringing it from them at the last session, will now give way to a contrary feeling, and even place us on a ground of some merit. Should this sentiment take place, and the arrival of our professors, and filling our dormitories with students on the 1st of February, encourage them to look more favorably towards us, perhaps it might dispose them to enlarge somewhat their order on the same fund. You observe the Proctor has stated in a letter accompanying our Report, that it will take about twenty-five thousand dollars more than we have to finish the Rotunda. Besides this, an anatomical theatre (costing about as much as one of our hotels, say about five thousand dollars,) is indispensable to the school of Anatomy. There cannot be a single dissection until a proper theatre is prepared, giving an advantageous view of the operation to those within, and effectually excluding observation from without. Either the additional sums, therefore, of twenty-five thousand and five thousand dollars will be wanting, or we must be permitted to appropriate a part of the fifty thousand to a theatre, leaving the Rotunda unfinished for the present. Yet I should think neither of these

objects an equivalent for renewing the displeasure of the legislature. Unless we can carry their hearty patronage with us, the institution can never flourish. I would not, therefore, hint at this additional aid, unless it were agreeable to our friends generally, and tolerably sure of being carried without irritation.

In your letter of December the 31st, you say my "handwriting and my letters have great effect there," *i. e.*, at Richmond. I am sensible, my dear Sir, of the kindness with which this encouragement is held up to me. But my views of their effect are very different. When I retired from the administration of public affairs, I thought I saw some evidence that I retired with a good degree of public favor, and that my conduct in office had been considered, by the one party at least, with approbation, and with acquiescence by the other. But the attempt in which I have embarked so earnestly, to procure an improvement in the moral condition of my native State, although, perhaps, in other States it may have strengthened good dispositions, it has assuredly weakened them within our own. The attempt ran foul of so many local interests, of so many personal views, and so much ignorance, and I have been considered as so particularly its promoter, that I see evidently a great change of sentiment towards myself. I cannot doubt its having dissatisfied with myself a respectable minority, if not a majority, of the House of Delegates. I feel it deeply, and very discouragingly. Yet I shall not give way. I have ever found in my

progress through life, that, acting for the public, if we do always what is right, the approbation denied in the beginning will surely follow us in the end. It is from posterity we are to expect remuneration for the sacrifices we are making for their service, of time, quiet and good will. And I fear not the appeal. The multitude of fine young men whom we shall redeem from ignorance, who will feel that they owe to us the elevation of mind, of character and station they will be able to attain from the result of our efforts, will insure their remembering us with gratitude. We will not, then, be "weary in well-doing." *Usque ad aras amicus tuus.*

TO GENERAL ALEXANDER SMYTH.

MONTICELLO, January 17, 1825.

DEAR SIR,—I have duly received four proof sheets of your explanation of the Apocalypse, with your letters of December 29th and January 8th; in the last of which you request that, so soon as I shall be of opinion that the explanation you have given is correct, I would express it in a letter to you. From this you must be so good as to excuse me, because I make it an invariable rule to decline ever giving opinions on new publications in any case whatever. No man on earth has less taste or talent for criticism than myself, and least and last of all should I undertake to criticise works on the Apocalypse. It is between fifty and sixty years since I read it, and I

then considered it as merely the ravings of a maniac, no more worthy nor capable of explanation than the incoherences of our own nightly dreams. I was, therefore, well pleased to see, in your first proof sheet, that it was said to be not the production of St. John, but of Cerinthus, a century after the death of that apostle. Yet the change of the author's name does not lessen the extravagances of the composition; and come they from whomsoever they may, I cannot so far respect them as to consider them as an allegorical narrative of events, past or subsequent. There is not coherence enough in them to countenance any suite of rational ideas. You will judge, therefore, from this how impossible I think it that either your explanation, or that of any man in "the heavens above, or on the earth beneath," can be a correct one. What has no meaning admits no explanation; and pardon me if I say, with the candor of friendship, that I think your time too valuable, and your understanding of too high an order, to be wasted on these paralogisms. You will perceive, I hope, also, that I do not consider them as revelations of the Supreme Being, whom I would not so far blaspheme as to impute to Him a pretension of revelation, couched at the same time in terms which, He would know, were never to be understood by those to whom they were addressed. In the candor of these observations, I hope you will see proofs of the confidence, esteem and respect which I truly entertain for you.

JOHN ADAMS TO THOMAS JEFFERSON.

QUINCY, January 23, 1825.

MY DEAR SIR,—We think ourselves possessed, or at least we boast that we are so, of liberty of conscience on all subjects and of the right of free inquiry and private judgment in all cases, and yet how far are we from these exalted privileges in fact. There exists, I believe, throughout the whole Christian world, a law which makes it blasphemy to deny, or to doubt the divine inspiration of all the books of the Old and New Testaments, from Genesis to Revelations. In most countries of Europe it is punished by fire at the stake, or the rack, or the wheel. In England itself, it is punished by boring through the tongue with a red-hot poker. In America it is not much better; even in our Massachusetts, which, I believe, upon the whole, is as temperate and moderate in religious zeal as most of the States, a law was made in the latter end of the last century, repealing the cruel punishments of the former laws, but substituting fine and imprisonment upon all those blasphemies upon any book of the Old Testament or New. Now, what free inquiry, when a writer must surely encounter the risk of fine or imprisonment for adducing any arguments for investigation into the divine authority of those books? Who would run the risk of translating Volney's Recherches Nouvelles? Who would run the risk of translating Dapin's? But I cannot enlarge upon

this subject, though I have it much at heart. I think such laws a great embarrassment, great obstructions to the improvement of the human mind. Books that cannot bear examination, certainly ought not to be established as divine inspiration by penal laws. It is true, few persons appear desirous to put such laws in execution, and it is also true that some few persons are hardy enough to venture to depart from them; but as long as they continue in force as laws, the human mind must make an awkward and clumsy progress in its investigations. I wish they were repealed. The substance and essence of Christianity, as I understand it, is eternal and unchangeable, and will bear examination forever; but it has been mixed with extraneous ingredients, which, I think, will not bear examination, and they ought to be separated. Adieu.

TO ———.[1]

MONTICELLO, February 3, 1825.

DEAR SIR,—Although our professors were, on the 5th of December, still in an English port, that they were safe raises me from the dead, for I was almost ready to give up the ship. That was eight weeks ago; they may therefore be daily expected.

In most public seminaries text-books are prescribed to each of the several schools, as the *norma docendi* in that school; and this is generally done

[1] Address lost.

by authority of the trustees. I should not propose this generally in our University, because I believe none of us are so much at the heights of science in the several branches, as to undertake this, and therefore that it will be better left to the professors until occasion of interference shall be given. But there is one branch in which we are the best judges, in which heresies may be taught, of so interesting a character to our own State and to the United States, as to make it a duty in us to lay down the principles which are to be taught. It is that of government. Mr. Gilmer being withdrawn, we know not who his successor may be. He may be a Richmond lawyer, or one of that school of quondam federalism, now consolidation. It is our duty to guard against such principles being disseminated among our youth, and the diffusion of that poison, by a previous prescription of the texts to be followed in their discourses. I therefore enclose you a resolution which I think of proposing at our next meeting, strictly confiding it to your own knowledge alone, and to that of Mr. Loyall, to whom you may communicate it, as I am sure it will harmonize with his principles. I wish it kept to ourselves, because I have always found that the less such things are spoken of beforehand, the less obstruction is contrived to be thrown in their way. I have communicated it to Mr. Madison.

Should the bill for district colleges pass in the end, our scheme of education will be complete But the

branch of primary schools may need attention, and should be brought, like the rest, to the forum of the legislature. The Governor, in his annual message, gives a favorable account of them in the lump. But this is not sufficient. We should know the operation of the law establishing these schools more in detail. We should know how much money is furnished to each county every year, and how much education it distributes every year, and such a statement should be laid before the legislature every year. The sum of education rendered in each county in each year should be estimated by adding together the number of months which each scholar attended, and stating the sum total of the months which all of them together attended, *e. g.*, if in any county one scholar attended two months, three others four months each, eight others six months each, then the sum of these added together will make sixty-two months of schooling afforded in the county that year; and the number of sixty-two months entered in a table opposite to the name of the county, gives a satisfactory idea of the sum or quantum of education it rendered in that year. This will enable us to take many interesting and important views of the sufficiency of the plan established, and of the amendments necessary to produce the greatest effect. I enclose a form of the table which would be required, in which you will of course be sensible that the numbers entered are at hap-hazard, and *exempli gratia*, as I know nothing of the sums furnished or quantum

of education rendered in each or any county. I send also the form of such a resolution as should be passed by the one or the other House, perhaps better in the lower one, and moved by some member nowise connected with us, for the less we appear before the House, the less we shall excite dissatisfaction.

I mentioned to you formerly our want of an anatomical hall for dissection. But if we get the fifty thousand dollars from Congress, we can charge to that, as the library fund, the six thousand dollars of the building fund which we have advanced for it in books and apparatus, and repaying from the former the six thousand dollars due to the latter, apply so much of it as is necessary for the anatomical building. No application on the subject need therefore be made to our legislature. But I hear nothing of our prospects before Congress. Yours affectionately.

Resolved, That the Governor be requested to have prepared and laid before the legislature, at their next session, a statement in detail of the sum of education which, under the law establishing primary schools, has been rendered in the schools of each county respectively; that it be stated in a tabular form, in the first column of which table shall be the names of the counties alphabetically arranged, and then, for every year, two other columns, in the first of which shall be entered, opposite to the name of each county, the sum of money furnished it in that

year, and in the second shall be stated the sum of education rendered in the same county and year; which sum is to be estimated by adding together the number of months of schooling which the several individuals attending received. And that hence forward a similar statement be prepared and laid before the legislature every year for that year.

Accomac.....	$400	216	months schooling.
Albemarle	500	234	"
Amelia	250	183	"
Amherst.....	400	210	"
Augusta	800	461	"

etc.

TO ———.[1]

MONTICELLO, February 20, 1825.

DEAR SIR,—I thank you for the copy of your Cherokee Grammar, which I have gone over with attention and satisfaction. We generally learn languages for the benefit of reading the books written in them. But here our reward must be the addition made to the philosophy of language. In this point of view your analysis of the Cherokee adds valuable matter for reflection, and strengthens our desire to see more of these languages as scientifically elucidated. Their grammatical devices for the modification of their words by a syllable prefixed to, or

[1] Address lost.

inserted in the middle, or added to its end, and by other combinations so different from ours, prove that if man came from one stock, his languages did not. A late grammarian has said that all words were originally monosyllables. The Indian languages disprove this. I should conjecture that the Cherokees, for example, have formed their language not by single words, but by phrases. I have known some children learn to speak, not by a word at a time, but by whole phrases. Thus the Cherokee has no name for father in the abstract, but only as combined with some one of his relations. A complex idea being a fasciculus of simple ideas bundled together, it is rare that different languages make up their bundles alike, and hence the difficulty of translating from one language to another. European nations have so long had intercourse with one another, as to have approximated their complex expressions much towards one another. But I believe we shall find it impossible to translate our language into any of the Indian, or any of theirs into ours. I hope you will pursue your undertaking, and that others will follow your example with other of their languages. It will open a wide field for reflection on the grammatical organization of languages, their structure and character. I am persuaded that among the tribes on our two continents a great number of languages, radically different, will be found. It will be curious to consider how so many so radically different will be found. It will be curious to

consider how so many so radically different have been preserved by such small tribes in coterminous settlements of moderate extent. I had once collected about thirty vocabularies formed of the same English words, expressive of such simple objects only as must be present and familiar to every one under these circumstances. They were unfortunately lost. But I remember that on a trial to arrange them into families or dialects, I found in one instance that about half a dozen might be so classed, in another perhaps three or four. But I am sure that a third at least, if not more, were perfectly insulated from each other. Yet this is the only index by which we can trace their filiation.

I had received your observations on the changes proposed in Harvard College, without knowing from whom they came to me, and had been so much pleased with them as to have put them by for preservation. These observations, with the report and documents to which they relate, are a treasure of information to us; they give to our infant institution the experience of your ancient and eminent establishment. I hope that we shall be like cordial colleagues in office, acting in harmony and affection for the same object. Our European professors, five in number, are at length arrived, and excite strong presumptions that they have been judiciously selected. We have announced our opening on the 7th of the ensuing month of March. With sincere wishes for the prosperity of yours, as well as ours,

I pray you to accept assurances of my high esteem and respect.

TO THOMAS JEFFERSON SMITH.

MONTICELLO, February 21, 1825.

This letter will, to you, be as one from the dead. The writer will be in the grave before you can weigh its counsels. Your affectionate and excellent father has requested that I would address to you something which might possibly have a favorable influence on the course of life you have to run, and I too, as a namesake, feel an interest in that course. Few words will be necessary, with good dispositions on your part. Adore God. Reverence and cherish your parents. Love your neighbor as yourself, and your country more than yourself. Be just. Be true. Murmur not at the ways of Providence. So shall the life into which you have entered, be the portal to one of eternal and ineffable bliss. And if to the dead it is permitted to care for the things of this world, every action of your life will be under my regard. Farewell.

The portrait of a good man by the most sublime of poets, for your imitation.

Lord, who's the happy man that may to Thy blest courts repair,
Not stranger-like to visit them, but to inhabit there?
'Tis he whose every thought and deed by rules of virtue moves,
Whose generous tongue disdains to speak the thing his heart disproves.

Who never did a slander forge, his neighbor's fame to wound,
Nor hearken to a false report, by malice whispered round.
Who vice, in all its pomp and power, can treat with just neglect;
And piety, though clothed in rags, religiously respect.
Who to his plighted vows and trust has ever firmly stood,
And though he promise to his loss, he makes his promise good.
Whose soul in usury disdains his treasure to employ,
Whom no rewards can ever bribe the guiltless to destroy.
The man who, by this steady course, has happiness insur'd,
When earth's foundations shake, shall stand, by Providence secur'd.

A Decalogue of Canons for observation in practical life.

1. Never put off till to-morrow what you can do to-day.

2. Never trouble another for what you can do yourself.

3. Never spend your money before you have it.

4. Never buy what you do not want, because it is cheap; it will be dear to you.

5. Pride costs us more than hunger, thirst, and cold.

6. We never repent of having eaten too little.

7. Nothing is troublesome that we do willingly.

8. How much pain have cost us the evils which have never happened.

9. Take things always by their smooth handle.

10. When angry, count ten, before you speak; if very angry, an hundred.

TO EDWARD LIVINGSTON.

MONTICELLO, March 25, 1825.

DEAR SIR,—I know how apt we are to consider those whom we knew long ago, and have not since seen, to be exactly still what they were when we knew them; and to have been stationary in body and mind as they have been in our recollections. Have you not been under that illusion with respect to myself? When I had the pleasure of being a fellow laborer with you in the public service, age had ripened, but not yet impaired whatever of mind I had at any time possessed. But five and twenty chilling winters have since rolled over my head, and whitened every hair of it. Worn down by time in bodily strength, unable to walk even into my garden without too much fatigue, I cannot doubt that the mind has also suffered its portion of decay. If reason and experience had not taught me this law of nature, my own consciousness is a sufficient monitor, and warns me to keep in mind the golden precept of Horace,

> "Solve senescentem, maturé sanus, equum, ne
> Peccet ad extremum ridendus."

I am not equal, dear Sir, to the task you have proposed to me. To examine a code of laws newly reduced to system and text, to weigh their bearings on each other in all their parts, their harmony with reason and nature, and their adaptation to the habits and sentiments of those for whom they are prepared,

and whom, in this case, I do not know, is a task far above what I am now, or perhaps ever was. I have attended to so much of your work as has been heretofore laid before the public, and have looked, with some attention also, into what you have now sent me. It will certainly arrange your name with the sages of antiquity. Time and changes in the condition and constitution of society may require occasional and corresponding modifications. One single object, if your provision attains it, will entitle you to the endless gratitude of society; that of restraining judges from usurping legislation. And with no body of men is this restraint more wanting than with the judges of what is commonly called our General Government, but what I call our foreign department. They are practising on the Constitution by inferences, analogies, and sophisms, as they would on an ordinary law. They do not seem aware that it is not even a *Constitution*, formed by a single authority, and subject to a single superintendence and control; but that it is a compact of many independent powers, every single one of which claims an equal right to understand it, and to require its observance. However strong the cord of compact may be, there is a point of tension at which it will break. A few such doctrinal decisions, as barefaced as that of the Cohens, happening to bear immediately on two or three of the large States, may induce them to join in arresting the march of government, and in arousing the co-States to pay some

attention to what is passing, to bring back the compact to its original principles, or to modify it legitimately by the express consent of the parties themselves, and not by the usurpation of their created agents. They imagine they can lead us into a consolidate government, while their road leads directly to its dissolution. This member of the government was at first considered as the most harmless and helpless of all its organs. But it has proved that the power of declaring what the law is, *ad libitum*, by sapping and mining, slyly, and without alarm, the foundations of the Constitution, can do what open force would not dare to attempt. I have not observed whether, in your code, you have provided against caucusing judicial decisions, and for requiring judges to give their opinions *seriatim*, every man for himself, with his reasons and authorities at large, to be entered of record in his own words. A regard for reputation, and the judgment of the world, may sometimes be felt where conscience is dormant, or indolence inexcitable. Experience has proved that impeachment in our forms is completely inefficient.

I am pleased with the style and diction of your laws. Plain and intelligible as the ordinary writings of common sense, I hope it will produce imitation. Of all the countries on earth of which I have any knowledge, the style of the Acts of the British Parliament is the most barbarous, uncouth, and unintelligible. It can be understood by those alone who are in the daily habit of studying such tautologous,

involved and parenthetical jargon. Where they found their model, I know not. Neither ancient nor modern codes, nor even their own early statutes, furnish any such example. And, like faithful apes, we copy it faithfully.

In declining the undertaking you so flatteringly propose to me, I trust you will see but an approvable caution for the age of fourscore and two, to avoid exposing itself before the public. The misfortune of a weakened mind is an insensibility of its weakness. Seven years ago, indeed, I embarked in an enterprise, the establishment of an University, which placed and keeps me still under the public eye. The call was imperious, the necessity most urgent, and the hazard of titubation less, by those seven years, than it now is. The institution is at length happily advanced to completion, and has commenced under auspices as favorable as I could expect. I hope it will prove a blessing to my own State, and not unuseful perhaps to some others. At all hazards, and secured by the aid of my able coadjutors, I shall continue, while I am in being, to contribute to it whatever my weakened and weakening powers can. But assuredly it is the last object for which I shall obtrude myself on the public observation.

Wishing anxiously that your great work may obtain complete success, and become an example for the imitation and improvement of other States, I pray you to be assured of my unabated friendship and respect.

TO JUDGE AUGUSTUS B. WOODWARD.

MONTICELLO, April 3, 1825.

DEAR SIR,—Your favor of March 25th has been duly received. The fact is unquestionable, that the Bill of Rights, and the Constitution of Virginia, were drawn originally by George Mason, one of our really great men, and of the first order of greatness. The history of the Preamble to the latter is this: I was then at Philadelphia with Congress; and knowing that the Convention of Virginia was engaged in forming a plan of government, I turned my mind to the same subject, and drew a sketch or outline of a Constitution, with a preamble, which I sent to Mr. Pendleton, president of the convention, on the mere possibility that it might suggest something worth incorporation into that before the convention. He informed me afterwards by letter, that he received it on the day on which the Committee of the Whole had reported to the House the plan they had agreed to; that that had been so long in hand, so disputed inch by inch, and the subject of so much altercation and debate; that they were worried with the contentions it had produced, and could not, from mere lassitude, have been induced to open the instrument again; but that, being pleased with the Preamble to mine, they adopted it in the House, by way of amendment to the Report of the Committee; and thus my Preamble became tacked to the work of George Mason. The Constitution, with the Pre-

amble, was passed on the 29th of June, and the Committee of Congress had only the day before that reported to that body the draught of the Declaration of Independence. The fact is, that that Preamble was prior in composition to the Declaration; and both having the same object, of justifying our separation from Great Britain, they used necessarily the same materials of justification, and hence their similitude.

Withdrawn by age from all other public services and attentions to public things, I am closing the last scenes of life by fashioning and fostering an establishment for the instruction of those who are to come after us. I hope its influence on their virtue, freedom, fame and happiness, will be salutary and permanent. The form and distributions of its structure are original and unique, the architecture chaste and classical, and the whole well worthy of attracting the curiosity of a visit. Should it so prove to yourself at any time, it will be a great gratification to me to see you once more at Monticello; and I pray you to be assured of my continued and high respect and esteem.

TO HENRY LEE.

MONTICELLO, May 8, 1825.

DEAR SIR,— * * * * * *

That George Mason was author of the bill of rights and of the Constitution founded on it, the evidence

of the day established fully in my mind. Of the paper you mention, purporting to be instructions to the Virginia delegation in Congress, I have no recollection. If it were anything more than a project of some private hand, that is to say, had any such instructions been ever given by the convention, they would appear in the journals, which we possess entire. But with respect to our rights, and the acts of the British government contravening those rights, there was but one opinion on this side of the water. All American Whigs thought alike on these subjects. When forced, therefore, to resort to arms for redress, an appeal to the tribunal of the world was deemed proper for our justification. This was the object of the Declaration of Independence. Not to find out new principles, or new arguments, never before thought of, not merely to say things which had never been said before; but to place before mankind the common sense of the subject, in terms so plain and firm as to command their assent, and to justify ourselves in the independent stand we are compelled to take. Neither aiming at originality of principle or sentiment, nor yet copied from any particular and previous writing, it was intended to be an expression of the American mind, and to give to that expression the proper tone and spirit called for by the occasion. All its authority rests then on the harmonizing sentiments of the day, whether expressed in conversation, in letters, printed essays, or in the elementary books of public right, as Aris-

totle, Cicero, Locke, Sidney, etc. The historical documents which you mention as in your possession, ought all to be found, and I am persuaded you will find, to be corroborative of the facts and principles advanced in that Declaration. Be pleased to accept assurances of my great esteem and respect.

TO MISS FRANCES WRIGHT.

MONTICELLO, August 7, 1825.

I have duly received, dear Madam, your letter of July 26th, and learn from it with much regret, that Miss Wright, your sister, is so much indisposed as to be obliged to visit our medicinal springs. I wish she may be fortunate in finding those which may be adapted to her case. We have taken too little pains to ascertain the properties of our different mineral waters, the cases in which they are respectively remedial, the proper process in their use, and other circumstances necessary to give us their full value. My own health is very low, not having been able to leave the house for three months, and suffering much at times. In this state of body and mind, your letter could not have found a more inefficient counsellor, one scarcely able to think or to write. At the age of eighty-two, with one foot in the grave, and the other uplifted to follow it, I do not permit myself to take part in any new enterprises, even for bettering the condition of man, not even in the great one which is the subject of your letter, and which

has been through life that of my greatest anxieties. The march of events has not been such as to render its completion practicable within the limits of time allotted to me; and I leave its accomplishment as the work of another generation. And I am cheered when I see that on which it is devolved, taking it up with so much good will, and such minds engaged in its encouragement. The abolition of the evil is not impossible; it ought never therefore to be despaired of. Every plan should be adopted, every experiment tried, which may do something towards the ultimate object. That which you propose is well worthy of trial. It has succeeded with certain portions of our white brethren, under the care of a Rapp and an Owen; and why may it not succeed with the man of color? An opinion is hazarded by some, but proved by none, that moral urgencies are not sufficient to induce him to labor; that nothing can do this but physical coercion. But this is a problem which the present age alone is prepared to solve by experiment. It would be a solecism to suppose a race of animals created, without sufficient foresight and energy to preserve their own existence. It is disproved, too, by the fact that they exist, and have existed through all the ages of history. We are not sufficiently acquainted with all the nations of Africa, to say that there may not be some in which habits of industry are established, and the arts practised which are necessary to render life comfortable. The experiment now in progress in St. Domingo, those

of Sierra Leone and Cape Mesurado, are but beginning. Your proposition has its aspects of promise also; and should it not answer fully to calculations in figures, it may yet, in its developments, lead to happy results. These, however, I must leave to another generation. The enterprise of a different, but yet important character, in which I have embarked too late in life, I find more than sufficient to occupy the enfeebled energies remaining to me, and that to divert them to other objects, would be a desertion of these. You are young, dear Madam, and have powers of mind which may do much in exciting others in this arduous task. I am confident they will be so exerted, and I pray to Heaven for their success, and that you may be rewarded with the blessings which such efforts merit.

TO JOHN VAUGHAN.

MONTICELLO, September 16, 1825.

DEAR SIR,—I am not able to give you any particular account of the paper handed you by Mr. Lee, as being either the original or a copy of the Declaration of Independence, sent by myself to his grandfather. The draught, when completed by myself, with a few verbal amendments by Dr. Franklin and Mr. Adams, two members of the committee, in their own handwriting, is now in my own possession, and a fair copy of this was reported to the committee, passed by them without amendment, and then

reported to Congress. This latter should be among the records of the old Congress; and whether this or the one from which it was copied and now in my hands, is to be called the original, is a question of definition. To that in my hands, if worth preserving, my relations with our University give irresistible claims. Whenever, in the course of the composition, a copy became overcharged, and difficult to be read with amendments, I copied it fair, and when that also was crowded with other amendments, another fair copy was made, etc. These rough draughts I sent to distant friends who were anxious to know what was passing. But how many, and to whom, I do not recollect. One sent to Mazzei was given by him to the Countess de Tessé (aunt of Madame de Lafayette) *as the original*, and is probably now in the hands of her family. Whether the paper sent to R. H. Lee was one of these, or whether, after the passage of the instrument, I made a copy for him, with the amendments of Congress, may, I think, be known from the face of the paper. The documents Mr. Lee has given you must be of great value, and until all these private hoards are made public, the real history of the Revolution will not be known.

TO DR. JAMES MEASE.

MONTICELLO, September 26, 1825.

DEAR SIR,—It is not for me to estimate the importance of the circumstances concerning which

your letter of the 8th makes inquiry. They prove, even in their minuteness, the sacred attachments of our fellow citizens to the event of which the paper of July 4th, 1776, was but the Declaration, the genuine effusion of the soul of our country at that time. Small things may, perhaps, like the relics of saints, help to nourish our devotion to this holy bond of our Union, and keep it longer alive and warm in our affections. This effect may give importance to circumstances, however small. At the time of writing that instrument, I lodged in the house of a Mr. Graaf, a new brick house, three stories high, of which I rented the second floor, consisting of a parlor and bed-room, ready furnished. In that parlor I wrote habitually, and in it wrote this paper, particularly. So far I state from written proofs in my possession. The proprietor, Graaf, was a young man, son of a German, and then newly married. I think he was a bricklayer, and that his house was on the south side of Market street, probably between Seventh and Eighth streets, and if not the only house on that part of the street, I am sure there were few others near it. I have some idea that it was a corner house, but no other recollections throwing light on the question, or worth communication. I am ill, therefore only add assurance of my great respect and esteem.

TO ———.

MONTICELLO, October 25, 1825.

DEAR SIR,—I know not whether the professors to whom ancient and modern history are assigned in the University, have yet decided on the course of historical reading which they will recommend to their schools. If they have, I wish this letter to be considered as not written, as their course, the result of mature consideration, will be preferable to anything I could recommend. Under this uncertainty, and the rather as you are of neither of these schools, I may hazard some general ideas, to be corrected by what they may recommend hereafter.

In all cases I prefer original authors to compilers. For a course of ancient history, therefore, of Greece and Rome especially, I should advise the usual suite of Herodotus, Thucydides, Xenophon, Diodorus, Livy, Cæsar, Suetonius, Tacitus, and Dion, in their originals if understood, and in translations if not. For its continuation to the final destruction of the empire we must then be content with Gibbon, a compiler, and with Segur, for a judicious recapitulation of the whole. After this general course, there are a number of particular histories filling up the chasms, which may be read at leisure in the progress of life. Such is Arrian, 2 Curtius, Polybius, Sallust, Plutarch, Dionysius, Halicarnassus, Micasi, etc. The ancient universal history should be on our shelves as a book of general refer-

ence, the most learned and most faithful perhaps that ever was written. Its style is very plain but perspicuous.

In modern history, there are but two nations with whose course it is interesting to us to be intimately acquainted, to wit: France and England. For the former, Millot's General History of France may be sufficient to the period when 1 Davila commences. He should be followed by Perefixe, Sully, Voltaire's Louis XIV and XV, la Cretelles XVIIIme siècle, Marmontel's Regence, Foulongion's French Revolution, and Madame de Stael's, making up by a succession of particular history, the general one which they want.

Of England there is as yet no general history so faithful as Rapin's. He may be followed by Ludlow, Fox, Belsham, Hume, and Brodie. Hume's, were it faithful, would be the finest piece of history which has ever been written by man. Its unfortunate bias may be partly ascribed to the accident of his having written backwards. His maiden work was the History of the Stuarts. It was a first essay to try his strength before the public. And whether as a Scotchman he had really a partiality for that family, or thought that the lower their degradation, the more fame he should acquire by raising them up to some favor, the object of his work was an apology for them. He spared nothing, therefore, to wash them white, and to palliate their misgovernment. For this purpose he suppressed truths, ad-

vanced falsehoods, forged authorities, and falsified records. All this is proved on him unanswerably by Brodie. But so bewitching was his style and manner, that his readers were unwilling to doubt anything, swallowed everything, and all England became Tories by the magic of his art. His pen revolutionized the public sentiment of that country more completely than the standing armies could ever have done, which were so much dreaded and deprecated by the patriots of that day.

Having succeeded so eminently in the acquisition of fortune and fame by this work, he undertook the history of the two preceding dynasties, the Plantagenets and Tudors. It was all-important in this second work, to maintain the thesis of the first, that "it was the people who encroached on the sovereign, not the sovereign who usurped on the rights of the people." And, again, chapter 53d, "the grievances under which the English labored [to wit: whipping, pillorying, cropping, imprisoning, fining, etc.,] when considered in themselves, without regard to the Constitution, scarcely deserve the name, nor were they either burdensome on the people's properties, or anywise shocking to the natural humanity of mankind." During the constant wars, civil and foreign, which prevailed while these two families occupied the throne, it was not difficult to find abundant instances of practices the most despotic, as are wont to occur in times of violence. To make this second epoch support the third, therefore, required but a

little garbling of authorities. And it then remained, by a third work, to make of the whole a complete history of England, on the principles on which he had advocated that of the Stuarts. This would comprehend the Saxon and Norman conquests, the former exhibiting the genuine form and political principles of the people constituting the nation, and founded in the rights of man; the latter built on conquest and physical force, not at all affecting moral rights, nor even assented to by the free will of the vanquished. The battle of Hastings, indeed, was lost, but the natural rights of the nation were not staked on the event of a single battle. Their will to recover the Saxon constitution continued unabated, and was at the bottom of all the unsuccessful insurrections which succeeded in subsequent times. The victors and vanquished continued in a state of living hostility, and the nation may still say, after losing the battle of Hastings,

> "What though the field is lost?
> All is not lost; the unconquerable will
> And study of revenge, immortal hate
> And courage never to submit or yield."

The government of a nation may be usurped by the forcible intrusion of an individual into the throne. But to conquer its will, so as to rest the right on that, the only legitimate basis, requires long acquiescence and cessation of all opposition. The Whig historians of England, therefore, have always gone back to the Saxon period for the true principles

of their constitution, while the Tories and Hume, their Coryphæus, date it from the Norman conquest, and hence conclude that the continual claim by the nation of the good old Saxon laws, and the struggles to recover them, were "encroachments of the people on the crown, and not usurpations of the crown on the people." Hume, with Brodie, should be the last histories of England to be read. If first read, Hume makes an English Tory, from whence it is an easy step to American Toryism. But there is a history, by Baxter, in which, abridging somewhat by leaving out some entire incidents as less interesting now than when Hume wrote, he has given the rest in the identical words of Hume, except that when he comes to a fact falsified, he states it truly, and when to a suppression of truth, he supplies it, never otherwise changing a word. It is, in fact, an editic expurgation of Hume. Those who shrink from the volume of Rapin, may read this first, and from this lay a first foundation in a basis of truth.

For modern continental history, a very general idea may be first aimed at, leaving for future and occasional reading the particular histories of such countries as may excite curiosity at the time. This may be obtained from Mollet's Northern Antiquities, Vol. Esprit et Mœurs des Nations, Millot's Modern History, Russel's Modern Europe, Hallam's Middle Ages, and Robertson's Charles V.

You ask what book I would recommend to be first read in law. I am very glad to find from a conversa-

tion with Mr. Gilmer, that he considers Coke Littleton, as methodized by Thomas, as unquestionably the best elementary work, and the one which will be the text-book of his school. It is now as agreeable reading as Blackstone, and much more profound. I pray you to consider this hasty and imperfect sketch as intended merely to prove my wish to be useful to you, and that with it you will accept the assurance of my esteem and respect.

TO THE HONORABLE J. EVELYN DENISON, M. P.

MONTICELLO, November 9, 1825.

DEAR SIR,—Your favor of July 30th was duly received, and we have now at hand the books you have been so kind as to send to our University. They are truly acceptable in themselves, for we might have been years not knowing of their existence; but give the greater pleasure as evidence of the interest you have taken in our infant institution. It is going on as successfully as we could have expected; and I have no reason to regret the measure taken of procuring professors from abroad where science is so much ahead of us. You witnessed some of the puny squibs of which I was the butt on that account. They were probably from disappointed candidates, whose unworthiness had occasioned their applications to be passed over. The measure has been generally approved in the South and West; and by all liberal minds in the North.

It has been peculiarly fortunate, too, that the professors brought from abroad were as happy selections as could have been hoped, as well for their qualifications in science as correctness and amiableness of character. I think the example will be followed, and that it cannot fail to be one of the efficacious means of promoting that cordial good will, which it is so much the interest of both nations to cherish. These teachers can never utter an unfriendly sentiment towards their native country; and those into whom their instructions will be infused, are not of ordinary significance only; they are exactly the persons who are to succeed to the government of our country, and to rule its future enmities, its friendships and fortunes. As it is our interest to receive instruction through this channel, so I think it is yours to furnish it; for these two nations holding cordially together, have nothing to fear from the united world. They will be the models for regenerating the condition of man, the sources from which representative government is to flow over the whole earth.

I learn from you with great pleasure, that a taste is reviving in England for the recovery of the Anglo-Saxon dialect of our language; for a mere dialect it is, as much as those of Piers Plowman, Gower, Douglas, Chaucer, Spenser, Shakespeare, Milton, for even much of Milton is already antiquated. The Anglo-Saxon is only the earliest we possess of the many shades of mutation by which the language

has tapered down to its modern form. Vocabularies we need for each of these stages from Somner to Bailey, but not grammars for each or any of them. The grammar has changed so little, in the descent from the earliest, to the present form, that a little observation suffices to understand its variations. We are greatly indebted to the worthies who have preserved the Anglo-Saxon form, from Doctor Hickes down to Mr. Bosworth. Had they not given to the public what we possess through the press, that dialect would by this time have been irrecoverably lost. I think it, however, a misfortune that they have endeavored to give it too much of a learned form, to mount it on all the scaffolding of the Greek and Latin, to load it with their genders, numbers, cases, declensions, conjugations, etc. Strip it of these embarrassments, vest it in the Roman type which we have adopted instead of our English black letter, reform its uncouth orthography, and assimilate its pronunciation, as much as may be, to the present English, just as we do in reading Piers Plowman or Chaucer, and with the cotemporary vocabulary for the few lost words, we understand it as we do them. For example, the Anglo-Saxon text of the Lord's prayer, as given in 6th Matthew, ix, is spelt and written thus, in the equivalent Roman type: "Faeder ure thec the eart in heafenum, si thin nama ychalgod. To becume thin rice. Gerrurthe thin willa on eartham, swa swa on heafenum. Ume doeghw amli can hlaf syle us to dœg. And

forgyfus ure gyltas, swa swa we forgifath urum gyltendum. And ne ge-lœdde thu us on costnunge, ae alys us of yfele." I should spell and pronounce thus: "Father our, thou tha art in heavenum, si thine name y-hallowed. Come thin ric-y-wurth thine will on eartham, so so on heavenum: ourn daynhamlican loaf sell us to-day, and forgive us our guilts so so we forgiveth ourum guiltendum. And no y-lead thou us on costnunge, ac a-lease us of evil." And here it is to be observed by-the-bye, that there is but the single word "temptation" in our present version of this prayer that is not Anglo-Saxon; for the word "trespasses" taken from the French, (οφειληματα in the original) might as well have been translated by the Anglo-Saxon "guilts."

The learned apparatus in which Dr. Hickes and his successors have muffled our Anglo-Saxon, is what has frightened us from encountering it. The simplification I propose may, on the contrary, make it a regular part of our common English education.

So little reading and writing was there among our Anglo-Saxon ancestors of that day, that they had no fixed orthography. To produce a given sound, every one jumbled the letters together, according to his unlettered notion of their power, and all jumbled them differently, just as would be done at this day, were a dozen peasants, who have learnt the alphabet, but have never read, desired to write the Lord's prayer. Hence the varied modes of spelling by

which the Anglo-Saxons meant to express the same sound. The word *many*, for example, was spelt in twenty different ways; yet we cannot suppose they were twenty different words, or that they had twenty different ways of pronouncing the same word. The Anglo-Saxon orthography, then, is not an exact representation of the sounds meant to be conveyed. We must drop in pronunciation the superfluous consonants, and give to the remaining letters their present English sound; because, not knowing the true one, the present enunciation is as likely to be right as any other, and indeed more so, and facilitates the acquisition of the language.

It is much to be wished that the publication of the present county dialects of England should go on. It will restore to us our language in all its shades of variation. It will incorporate into the present one all the riches of our ancient dialects; and what a store this will be, may be seen by running the eye over the county glossaries, and observing the words we have lost by abandonment and disuse, which in sound and sense are inferior to nothing we have retained. When these local vocabularies are published and digested together into a single one, it is probable we shall find that there is not a word in Shakespeare which is not now in use in some of the counties in England, from whence we may obtain its true sense. And what an exchange will their recovery be for the volumes of idle commentaries and conjectures with which that divine poet has

been masked and metamorphosed. We shall find in him new sublimities which we had never tasted before, and find beauties in our ancient poets which are lost to us now. It is not that I am merely an enthusiast for Palæology. I set equal value on the beautiful engraftments we have borrowed from Greece and Rome, and I am equally a friend to the encouragement of a judicious neology; a language cannot be too rich. The more copious, the more susceptible of embellishment it will become. There are several things wanting to promote this improvement. To reprint the Saxon books in modern type; reform their orthography; publish in the same way the treasures still existing in manuscript. And, more than all things, we want a dictionary on the plan of Stephens or Scapula, in which the Saxon root, placed alphabetically, shall be followed by all its cognate modifications of nouns, verbs, etc., whether Anglo-Saxon, or found in the dialects of subsequent ages. We want, too, an elaborate history of the English language. In time our country may be able to co-operate with you in these labors, of common advantage, but as yet it is too much a blank, calling for other and more pressing attentions. We have too much to do in the improvements of which it is susceptible, and which are deemed more immediately useful. Literature is not yet a distinct profession with us. Now and then a strong mind arises, and at its intervals of leisure from business, emits a flash of light. But the first object of young societies

is bread and covering; science is but secondary and subsequent.

I owe apology for this long letter. It must be found in the circumstance of its subject having made an interesting part in the tenor of your letter, and in my attachment to it. It is a hobby which too often runs away with me where I meant not to give up the rein. Our youth seem disposed to mount it with me, and to begin their course where mine is ending.

Our family recollects with pleasure the visit with which you favored us; and join me in assuring you of our friendly and respectful recollections, and of the gratification it will ever be to us to hear of your health and welfare.

TO LEWIS M. WISS.

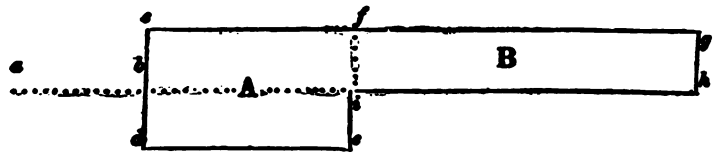
MONTICELLO, November 27, 1825.

SIR,—Disqualified by age and ill health from undertaking minute investigations, I find it will be easier for me to state to you my proposition of a lock-dock, for laying up vessels, high and dry, than to investigate yours. You will then judge for yourself whether any part of mine has anticipated any part of yours.

While I was at Washington, in the administration of the government, Congress was much divided in opinion on the subject of a navy, a part of them wishing to go extensively into preparation of a fleet,

another part opposed to it, on the objection that the repairs and preservation of a ship, even idle in harbor, in ten or twelve years, amount to her original cost. It has been estimated in England, that if they could be sure of peace a dozen years it would be cheaper for them to burn their fleet, and build a new one when wanting, than to keep the old one in repair during that term. I learnt that, in Venice, there were then ships, lying on their original stocks, ready for launching at any moment, which had been so for eighty years, and were still in a state of perfect preservation; and that this was effected by disposing of them in docks pumped dry, and kept so by constant pumping. It occurred to me that this expense of constant pumping might be saved by combining a lock with the common wet dock, wherever there was a running stream of water, the bed of which, within a reasonable distance, was of a sufficient height above the high-water level of the harbor. This was the case at the navy yard, on the eastern branch at Washington, the high-water line of which was seventy-eight feet lower than the ground on which the Capitol stands, and to which it was found that the water of the Tyber creek could be brought for watering the city. My proposition then was as follows: Let *a b* be the high-water level of the harbor, and the vessel to be laid up draw eighteen feet water. Make a chamber A twenty feet deep below high water and twenty feet

high above it, as *c d e f*, and at the upper end make another chamber, B,



the bottom of which should be in the high-water level, and the tops twenty feet above that. *g h* is the water of the Tyber. When the vessel is to be introduced, open the gate at *c b d*. The tide-water rises in the chamber A to the level *b i*, and floats the vessel in with it. Shut the gate *c b d* and open that of *f i*. The water of the Tyber fills both chambers to the level *c f g*, and the vessel floats into the chamber B; then opening both gates *c b d* and *f i*, the water flows out, and the vessel settles down on the stays previously prepared at the bottom *i h* to receive her. The gate at *g h* must of course be closed, and the water of the feeding stream be diverted elsewhere. The chamber B is to have a roof over it of the construction of that over the meal market at Paris, except that that is hemispherical, this semi-cylindrical. For this construction see Delenne's architecture, whose invention it was. The diameter of the dome of the meal market is considerably over one hundred feet.

It will be seen at once, that instead of making the chamber B of sufficient width and length for a single vessel only, it may be widened to whatever span

the semi-circular framing of the roof can be trusted, and to whatever length you please, so as to admit two or more vessels in breadth, and as many in length as the localities render expedient.

I had a model of this lock-dock made and exhibited in the President's house, during the session of Congress at which it was proposed. But the advocates for a navy did not fancy it, and those opposed to the building of ships altogether, were equally indisposed to provide protection for them. Ridicule was also resorted to, the ordinary substitute for reason, when that fails, and the proposition was passed over. I then thought and still think the measure wise, to have a proper number of vessels always ready to be launched, with nothing unfinished about them, except the planting their masts, which must of necessity be omitted, to be brought under a roof. Having no view in this proposition but to combine for the public a provision for defence, with economy in its preservation, I have thought no more of it since. And if any of my ideas anticipated yours, you are welcome to appropriate them to yourself, without objection on my part, and, with this assurance, I pray you to accept that of my best wishes and respects.

TO ———.[1]

MONTICELLO, December 18, 1825.

DEAR SIR,—Your letters are always welcome, the last more than all others, its subject being one of the dearest to my heart. To my granddaughter your commendations cannot fail to be an object of high ambition, as a certain passport to the good opinion of the world. If she does not cultivate them with assiduity and affection, she will illy fulfil my parting injunctions. I trust she will merit a continuance of your favor, and find in her new situation the general esteem she so happily possessed in the society she left. You tell me she repeated to you an expression of mine, that I should be willing to go again over the scenes of past life. I should not be unwilling, without, however, wishing it; and why not? I have enjoyed a greater share of health than falls to the lot of most men; my spirits have never failed me except under those paroxysms of grief which you, as well as myself, have experienced in every form, and with good health and good spirits, the pleasures surely outweigh the pains of life. Why not, then, taste them again, fat and lean together? Were I indeed permitted to cut off from the train the last seven years, the balance would be much in favor of treading the ground over again. Being at that period in the neighborhood of our warm springs, and well in health, I wished to be better,

[1] Address lost.

and tried them. They destroyed, in a great degree, my internal organism, and I have never since had a moment of perfect health. I have now been eight months confined almost constantly to the house, with now and then intervals of a few days on which I could get on horseback.

I presume you have received a copy of the life of Richard H. Lee, from his grandson of the same name, author of the work. You and I know that he merited much during the Revolution. Eloquent, bold, and ever watchful at his post, of which his biographer omits no proof. I am not certain whether the friends of George Mason, of Patrick Henry, yourself, and even of General Washington, may not reclaim some feathers of the plumage given him, noble as was his proper and original coat. But on this subject I will anticipate your own judgment.

I learn with sincere pleasure that you have experienced lately a great renovation of your health. That it may continue to the ultimate period of your wishes is the sincere prayer of *usque ad eras amicissimi tui.*

TO JAMES MADISON.

MONTICELLO, December 24, 1825.

DEAR SIR,—I have for some time considered the question of internal improvement as desperate. The torrent of general opinion sets so strongly in favor of it as to be irresistible. And I suppose that even

the opposition in Congress will hereafter be feeble and formal, unless something can be done which may give a gleam of encouragement to our friends, or alarm their opponents in their fancied security. I learn from Richmond that those who think with us there are in a state of perfect dismay, not knowing what to do or what to propose. Mr. Gordon, our representative, particularly, has written to me in very desponding terms, not disposed to yield indeed, but pressing for opinions and advice on the subject. I have no doubt you are pressed in the same way, and I hope you have devised and recommended something to them. If you have, stop here and read no more, but consider all that follows as *non-avenue*. I shall be better satisfied to adopt implicitly anything which you may have advised, than anything occurring to myself. For I have long ceased to think on subjects of this kind, and pay little attention to public proceedings. But if you have done nothing in it, then I risk for your consideration what has occurred to me, and is expressed in the enclosed paper.[1] Bailey's propositions, which came to hand since I wrote the paper, and which I suppose to have come from the President himself, show a little hesitation in the purposes of his party; and in that state of mind, a bolt shot critically may decide the contest by its effect on the less bold. The olive

[1] See under head of "Miscellaneous Papers," the paper here alluded to, entitled, "The Solemn Declaration and Protest of the Commonwealth of Virginia on the principles of the Constitution of the United States of America, and on the violations of them."

branch held out to them at this moment may be accepted, and the Constitution thus saved at a moderate sacrifice. I say nothing of the paper, which will explain itself. The following heads of consideration, or some of them, may weigh in its favor:

It may intimidate the wavering. It may break the Western coalition, by offering the same thing in a different form. It will be viewed with favor in contrast with the Georgia opposition and fear of strengthening that. It will be an example of a temperate mode of opposition in future and similar cases. It will delay the measure a year at least. It will give us the chance of better times and of intervening accidents; and in no way place us in a worse than our present situation. I do not dwell on these topics; your mind will develop them.

The first question is, whether you approve of doing anything of the kind. If not, send it back to me, and it shall be suppressed; for I would not hazard so important a measure against your opinion, nor even without its support. If you think it may be a canvas on which to put something good, make what alterations you please, and I will forward it to Gordon, under the most sacred injunctions that it shall be so used as that not a shadow of suspicion shall fall on you or myself, that it has come from either of us. But what you do, do as promptly as your convenience will admit, lest it should be anticipated by something worse.

Ever and affectionately yours.

TO WILLIAM B. GILES.

MONTICELLO, December 25, 1825.

DEAR SIR,—Your favor of the 15th was received four days ago. It found me engaged in what I could not lay aside till this day.

Far advanced in my eighty-third year, worn down with infirmities which have confined me almost entirely to the house for seven or eight months past, it afflicts me much to receive appeals to my memory for transactions so far back as that which is the subject of your letter. My memory is indeed become almost a blank, of which no better proof can probably be given you than by my solemn protestation, that I have not the least recollection of your intervention between Mr. John Q. Adams and myself, in what passed on the subject of the embargo. Not the slightest trace of it remains in my mind. Yet I have no doubt of the exactitude of the statement in your letter. And the less, as I recollect the interview with Mr. Adams, to which the previous communications which had passed between him and yourself were probably and naturally the preliminary. That interview I remember well; not indeed in the very words which passed between us, but in their substance, which was of a character too awful, too deeply engraved in my mind, and influencing too materially the course I had to pursue, ever to be forgotten. Mr. Adams called on me pending the embargo, and while

endeavors were making to obtain its repeal. He made some apologies for the call, on the ground of our not being then in the habit of confidential communications, but that that which he had then to make, involved too seriously the interest of our country not to overrule all other considerations with him, and make it his duty to reveal it to myself particularly. I assured him there was no occasion for any apology for his visit; that, on the contrary, his communications would be thankfully received, and would add a confirmation the more to my entire confidence in the rectitude and patriotism of his conduct and principles. He spoke then of the dissatisfaction of the eastern portion of our confederacy with the restraints of the embargo then existing, and their restlessness under it. That there was nothing which might not be attempted, to rid themselves of it. That he had information of the most unquestionable certainty, that certain citizens of the Eastern States (I think he named Massachusetts particularly) were in negotiation with agents of the British government, the object of which was an agreement that the New England States should take no further part in the war then going on; that, without formally declaring their separation from the Union of the States, they should withdraw from all aid and obedience to them; that their navigation and commerce should be free from restraint and interruption by the British; that they should be considered and treated

by them as neutrals, and as such might conduct themselves towards both parties; and, at the close of the war, be at liberty to rejoin the confederacy. He assured me that there was eminent danger that the convention would take place; that the temptations were such as might debauch many from their fidelity to the Union; and that, to enable its friends to make head against it, the repeal of the embargo was absolutely necessary. I expressed a just sense of the merit of this information, and of the importance of the disclosure to the safety and even the salvation of our country; and however reluctant I was to abandon the measure, (a measure which persevered in a little longer, we had subsequent and satisfactory assurance would have effected its object completely,) from that moment, and influenced by that information, I saw the necessity of abandoning it, and instead of effecting our purpose by this peaceful weapon, we must fight it out, or break the Union. I then recommended to yield to the necessity of a repeal of the embargo, and to endeavor to supply its place by the best substitute, in which they could procure a general concurrence.

I cannot too often repeat, that this statement is not pretended to be in the very words which passed; that it only gives faithfully the impression remaining on my mind. The very words of a conversation are too transient and fugitive to be so long retained in remembrance. But the substance was

too important to be forgotten, not only from the revolution of measures it obliged me to adopt, but also from the renewals of it in my memory on the frequent occasions I have had of doing justice to Mr. Adams, by repeating this proof of his fidelity to his country, and of his superiority over all ordinary considerations when the safety of that was brought into question.

With this best exertion of a waning memory which I can command, accept assurances of my constant and affectionate friendship and respect.

TO WILLIAM B. GILES.

MONTICELLO, December 26, 1825.

DEAR SIR,—I wrote you a letter yesterday, of which you will be free to make what use you please. This will contain matters not intended for the public eye. I see, as you do, and with the deepest affliction, the rapid strides with which the federal branch of our government is advancing towards the usurpation of all the rights reserved to the States, and the consolidation in itself of all powers, foreign and domestic; and that too, by constructions which, if legitimate, leave no limits to their power. Take together the decisions of the federal court, the doctrines of the President, and the misconstructions of the constitutional compact acted on by the legislature of the federal branch, and it is but

too evident, that the three ruling branches of that department are in combination to strip their colleagues, the State authorities, of the powers reserved by them, and to exercise themselves all functions foreign and domestic. Under the power to regulate commerce, they assume indefinitely that also over agriculture and manufactures, and call it regulation to take the earnings of one of these branches of industry, and that, too, the most depressed, and put them into the pockets of the other, the most flourishing of all. Under the authority to establish post roads, they claim that of cutting down mountains for the construction of roads, of digging canals, and aided by a little sophistry on the words "general welfare," a right to do, not only the acts to effect that, which are specifically enumerated and permitted, but whatsoever they shall think, or pretend will be for the general welfare. And what is our resource for the preservation of the Constitution? Reason and argument? You might as well reason and argue with the marble columns encircling them. The representatives chosen by ourselves? They are joined in the combination, some from incorrect views of government, some from corrupt ones, sufficient voting together to outnumber the sound parts; and with majorities only of one, two, or three, bold enough to go forward in defiance. Are we then *to stand to our arms*, with the hot-headed Georgian? No. That must be the last resource, not to be thought of

until much longer and greater sufferings. If every infraction of a compact of so many parties is to be resisted at once, as a dissolution of it, none can ever be formed which would last one year. We must have patience and longer endurance then with our brethren while under delusion; give them time for reflection and experience of consequences; keep ourselves in a situation to profit by the chapter of accidents; and separate from our companions only when the sole alternatives left, are the dissolution of our Union with them, or submission to a government without limitation of powers. Between these two evils, when we must make a choice, there can be no hesitation. But in the meanwhile, the States should be watchful to note every material usurpation on their rights; to denounce them as they occur in the most peremptory terms; to protest against them as wrongs to which our present submission shall be considered, not as acknowledgments or precedents of right, but as a temporary yielding to the lesser evil, until their accumulation shall overweigh that of separation. I would go still further, and give to the federal member, by a regular amendment of the Constitution, a right to make roads and canals of intercommunication between the States, providing sufficiently against corrupt practices in Congress, (log-rolling, etc.,) by declaring that the federal proportion of each State of the moneys so employed, shall be in works within the State, or elsewhere with its consent, and with

a due *salvo* of jurisdiction. This is the course which I think safest and best as yet.

You ask my opinion of the propriety of giving publicity to what is stated in your letter, as having passed between Mr. John Q. Adams and yourself. Of this no one can judge but yourself. It is one of those questions which belong to the forum of feeling. This alone can decide on the degree of confidence implied in the disclosure; whether under no circumstances it was to be communicated to others? It does not seem to be of that character, or at all to wear that aspect. They are historical facts which belong to the present, as well as future times. I doubt whether a single fact, known to the world, will carry as clear conviction to it, of the correctness of our knowledge of the treasonable views of the federal party of that day, as that disclosed by this, the most nefarious and daring attempt to dissever the Union, of which the Hartford convention was a subsequent chapter; and both of these having failed, consolidation becomes the fourth chapter of the next book of their history. But this opens with a vast accession of strength from their younger recruits, who, having nothing in them of the feelings or principles of '76, now look to a single and splendid government of an aristocracy, founded on banking institutions, and moneyed incorporations under the guise and cloak of their favored branches of manufactures, commerce and navigation, riding and ruling over the

plundered ploughman and beggared yeomanry. This will be to them a next best blessing to the monarchy of their first aim, and perhaps the surest stepping-stone to it.

I learn with great satisfaction that your school is thriving well, and that you have at its head a truly classical scholar. He is one of three or four whom I can hear of in the State. We were obliged the last year to receive shameful Latinists into the classical school of the University, such as we will certainly refuse as soon as we can get from better schools a sufficiency of those properly instructed to form a class. We must get rid of this Connecticut Latin, of this barbarous confusion of long and short syllables, which renders doubtful whether we are listening to a reader of Cherokee, Shawnee, Iroquois, or what. Our University has been most fortunate in the five professors procured from England. A finer selection could not have been made. Besides their being of a grade of science which has left little superior behind, the correctness of their moral character, their accommodating dispositions, and zeal for the prosperity of the institution, leave us nothing more to wish. I verily believe that as high a degree of education can now be obtained here, as in the country they left. And a finer set of youths I never saw assembled for instruction. They committed some irregularities at first, until they learned the lawful length of their tether; since which it has never been transgressed in the smallest

degree. A great proportion of them are severely devoted to study, and I fear not to say that within twelve or fifteen years from this time, a majority of the rulers of our State will have been educated here. They shall carry hence the correct principles of our day, and you may count assuredly that they will exhibit their country in a degree of sound respectability it has never known, either in our days, or those of our forefathers. I cannot live to see it. My joy must only be that of anticipation. But that you may see it in full fruition, is the probable consequence of the twenty years I am ahead of you in time, and is the sincere prayer of your affectionate and constant friend.

TO CLAIBORNE W. GOOCH.

MONTICELLO, January 9, 1826.

DEAR SIR,—I have duly received your favor of December the 31st, and fear, with you, all the evils which the present lowering aspect of our political horizon so ominously portends. That at some future day, which I hoped to be very distant, the free principles of our government might change with the change of circumstances was to be expected. But I certainly did not expect that they would not over-live the generation which established them. And what I still less expected was, that my favorite western country was to be made the instrument of change. I had ever and fondly

cherished the interests of that country, relying on it as a barrier against the degeneracy of public opinion from our original and free principles. But the bait of local interests, artfully prepared for their palate, has decoyed them from their kindred attachments, to alliances alien to them. Yet although I have little hope that the torrent of consolidation can be withstood, I should not be for giving up the ship without efforts to save her. She lived well through the first squall, and may weather the present one. But, dear Sir, I am not the champion called for by our present dangers. "Non tali auxilio, nec defensoribus istis, tempus eget." A waning body, a waning mind, and waning memory, with habitual ill health, warn me to withdraw and relinquish the arena to younger and abler athletes. I am sensible myself, if others are not, that this is my duty. If my distant friends know it not, those around me can inform them that they should not, in friendship, wish to call me into conflicts, exposing only the decays which nature has inscribed among her unalterable laws, and injuring the common cause by a senile and puny defence.

I will, however, say one word on the subject. The South Carolina resolutions, Van Buren's motion, and above all Bayley's propositions, show that other States are coming forward on the subject, and better for any one to take the lead than Virginia, where opposition is considered as commonplace, and a mere matter of form and habit. We shall see what

our co-States propose, and before the close of the session we may shape our own course more understandingly.

Accept the assurance of my great esteem and respect.

TO ———.[1]

MONTICELLO, January 21, 1826.

DEAR SIR,—Your favor of January 15th is received, and I am entirely sensible of the kindness of the motives which suggested the caution it recommended. But I believe what I have done is the only thing I could have done with honor or conscience. Mr. Giles requested me to state a fact which he knew himself, and of which he knew me to be possessed. What use he intended to make of it I knew not, nor had I a right to inquire, or to indicate any suspicion that he would make an unfair one. That was his concern, not mine, and his character was sufficient to sustain the responsibility for it. I knew, too, that if an uncandid use should be made of it, there would be found those who would so prove it. Independent of the terms of intimate friendship in which Mr. Giles and myself have ever lived together, the world's respect entitled him to the justice of my testimony to any truth he might call for; and how that testimony should connect me with whatever he may do or

[1] Address lost.

write hereafter, and with his whole career, as you apprehend, is not understood by me. With his personal controversies I have nothing to do. I never took any part in them, or in those of any other person. Add to this, that the statement I have given him on the subject of Mr. Adams, is entirely honorable to him in every sentiment and fact it contains. There is not a word in it which I would wish to recall. It is one which Mr. Adams himself might willingly quote, did he need to quote anything. It was simply that during the continuance of the embargo, Mr. Adams informed me of a combination (without naming any one concerned in it,) which had for its object a severance of the Union, for a time at least. That Mr. Adams and myself not being then in the habit of mutual consultation and confidence, I considered it as the stronger proof of the purity of his patriotism, which was able to lift him above all party passions when the safety of his country was endangered. Nor have I kept this honorable fact to myself. During the late canvass, particularly, I had more than one occasion to quote it to persons who were expressing opinions respecting him, of which this was a direct corrective. I have never entertained for Mr. Adams any but sentiments of esteem and respect; and if we have not thought alike on political subjects, I yet never doubted the honesty of his opinions, of which the letter in question, if published, will be an additional proof. Still, I recognize your

friendship in suggesting a review of it, and am glad of this, as of every other occasion of repeating to you the assurance of my constant attachment and respect.

TO JAMES MADISON.

MONTICELLO, February 17, 1826.

DEAR SIR,— * * * * * * * .

Immediately on seeing the overwhelming vote of the House of Representatives against giving us another dollar, I rode to the University and desired Mr. Brockenbrough to engage in nothing new, to stop everything on hand which could be done without, and to employ all his force and funds in finishing the circular room for the books, and the anatomical theatre. These cannot be done without; and for these and all our debts we have funds enough. But I think it prudent then to clear the decks thoroughly, to see how we shall stand, and what we may accomplish further. In the meantime, there have arrived for us in different ports of the United States, ten boxes of books from Paris, seven from London, and from Germany I know not how many; in all, perhaps, about twenty-five boxes. Not one of these can be opened until the book-room is completely finished, and all the shelves ready to receive their charge directly from the boxes as they shall be opened. This cannot be till May. I hear nothing definitive of the three

thousand dollars duty of which we are asking the remission from Congress. In the selection of our Law Professor, we must be rigorously attentive to his political principles. You will recollect that before the Revolution, Coke Littleton was the universal elementary book of law students, and a sounder Whig never wrote, nor of profounder learning in the orthodox doctrines of the British constitution, or in what were called English liberties. You remember also that our lawyers were then all Whigs. But when his black-letter text, and uncouth but cunning learning got out of fashion, and the honeyed Mansfieldism of Blackstone became the students' hornbook, from that moment, that profession (the nursery of our Congress) began to slide into toryism, and nearly all the young brood of lawyers now are of that hue. They suppose themselves, indeed, to be Whigs, because they no longer know what Whigism or republicanism means. It is in our seminary that that vestal flame is to be kept alive; it is thence it is to spread anew over our own and the sister States. If we are true and vigilant in our trust, within a dozen or twenty years a majority of our own legislature will be from one school, and many disciples will have carried its doctrines home with them to their several States, and will have leavened thus the whole mass. New York has taken strong ground in vindication of the Constitution; South Carolina had already done the same. Although I was against our leading, I am equally

against omitting to follow in the same line, and backing them firmly; and I hope that yourself or some other will mark out the track to be pursued by us.

You will have seen in the newspapers some proceedings in the legislature, which have cost me much mortification. My own debts had become considerable, but not beyond the effect of some lopping of property, which would have been little felt, when our friend * * * * gave me the *coup de grace*. Ever since that I have been paying twelve hundred dollars a year interest on his debt, which, with my own, was absorbing so much of my annual income, as that the maintenance of my family was making deep and rapid inroads on my capital, and had already done it. Still, sales at a fair price would leave me competently provided. Had crops and prices for several years been such as to maintain a steady competition of substantial bidders at market, all would have been safe. But the long succession of years of stunted crops, of reduced prices, the general prostration of the farming business, under levies for the support of manufacturers, etc., with the calamitous fluctuations of value in our paper medium, have kept agriculture in a state of abject depression, which has peopled the Western States by silently breaking up those on the Atlantic, and glutted the land market, while it drew off its bidders. In such a state of things, property has lost its character of being a resource

for debts. High land in Bedford, which, in the days of our plethory, sold readily for from fifty to one hundred dollars the acre, (and such sales were many then,) would not now sell for more than from ten to twenty dollars, or one-quarter or one-fifth of its former price. Reflecting on these things, the practice occurred to me, of selling, on fair valuation, and by way of lottery, often resorted to before the Revolution to effect large sales, and still in constant usage in every State for individual as well as corporation purposes. If it is permitted in my case, my lands here alone, with the mills, etc., will pay everything, and leave me Monticello and a farm free. If refused, I must sell everything here, perhaps considerably in Bedford, move thither with my family, where I have not even a log hut to put my head into, and whether ground for burial, will depend on the depredations which, under the form of sales, shall have been committed on my property. The question then with me was *ultrum horum?* But why afflict you with these details? Indeed, I cannot tell, unless pains are lessened by communication with a friend. The friendship which has subsisted between us, now half a century, and the harmony of our political principles and pursuits, have been sources of constant happiness to me through that long period. And if I remove beyond the reach of attentions to the University, or beyond the bourne of life itself, as I soon must, it is a comfort to leave that institution under your

care, and an assurance that it will not be wanting. It has also been a great solace to me, to believe that you are engaged in vindicating to posterity the course we have pursued for preserving to them, in all their purity, the blessings of self-government, which we had assisted too in acquiring for them. If ever the earth has beheld a system of administration conducted with a single and steadfast eye to the general interest and happiness of those committed to it, one which, protected by truth, can never know reproach, it is that to which our lives have been devoted. To myself you have been a pillar of support through life. Take care of me when dead, and be assured that I shall leave with you my last affections.

TO JOHN ADAMS.

MONTICELLO, March 25, 1826.

DEAR SIR,—My grandson, Thomas J. Randolph, the bearer of this letter, being on a visit to Boston, would think he had seen nothing were he to leave without seeing you. Although I truly sympathize with you in the trouble these interruptions give, yet I must ask for him permission to pay to you his personal respects. Like other young people, he wishes to be able in the winter nights of old age, to recount to those around him, what he has heard and learnt of the heroic age preceding his birth,

and which of the Argonauts individually he was in time to have seen.

It was the lot of our early years to witness nothing but the dull monotony of a colonial subservience; and of our riper years, to breast the labors and perils of working out of it. Theirs are the Halcyon calms succeeding the storm which our Argosy had so stoutly weathered. Gratify his ambition then, by receiving his best bow; and my solicitude for your health, by enabling him to bring me a favorable account of it. Mine is but indifferent, but not so my friendship and respect for you.

TO JOHN QUINCY ADAMS.

MONTICELLO, March 30, 1826.

DEAR SIR,—I am thankful for the very interesting message and documents of which you have been so kind as to send me a copy, and will state my recollections as to the particular passage of the message to which you ask my attention. On the conclusion of peace, Congress, sensible of their right to assume independence, would not condescend to ask its acknowledgment from other nations, yet were willing, by some of the ordinary international transactions, to receive what would imply that acknowledgment. They appointed commissioners, therefore, to propose treaties of commerce to the principal nations of Europe. I was then a member of Congress, was of the committee

appointed to prepare instructions for the commissioners, was as you suppose, the draughtsman of those actually agreed to, and was joined with your father and Dr. Franklin, to carry them into execution. But the stipulations making part of these instructions, which respected privateering, blockades, contraband, and freedom of the fisheries, were not original conceptions of mine. They had before been suggested by Dr. Franklin, in some of his papers in possession of the public, and had, I think, been recommended in some letter of his to Congress. I happen only to have been the inserter of them in the first public act which gave the formal sanction of a public authority. We accordingly proposed our treaties, containing these stipulations, to the principal governments of Europe. But we were then just emerged from a subordinate condition; the nations had as yet known nothing of us, and had not yet reflected on the relations which it might be their interest to establish with us. Most of them, therefore, listened to our propositions with coyness and reserve; old Frederick alone closing with us without hesitation. The negotiator of Portugal, indeed, signed a treaty with us, which his government did not ratify, and Tuscany was near a final agreement. Becoming sensible, however, ourselves, that we should do nothing with the greater powers, we thought it better not to hamper our country with engagements to those of less significance, and suffered our powers to expire without

closing any other negotiations. Austria soon after became desirous of a treaty with us, and her ambassador pressed it often on me; but our commerce with her being no object, I evaded her repeated invitations. Had these governments been then apprized of the station we should so soon occupy among nations, all, I believe, would have met us promptly and with frankness. These principles would then have been established with all, and from being the conventional law with us alone, would have slid into their engagements with one another, and become general. These are the facts within my recollection. They have not yet got into written history; but their adoption by our southern brethren will bring them into observance, and make them, what they should be, a part of the law of the world, and of the reformation of principles for which they will be indebted to us. I pray you to accept the homage of my friendly and high consideration.

TO THE HONORABLE EDWARD EVERETT.

MONTICELLO, April 8, 1826.

DEAR SIR,—I thank you for the very able and eloquent speech you have been so kind as to send me on the amendment of the Constitution, proposed by Mr. McDuffie. I have read it with pleasure and satisfaction, and concur with much of its contents. On the question of the lawfulness of slavery,

that is of the right of one man to appropriate to himself the faculties of another without his consent, I certainly retain my early opinions. On that, however, of third persons to interfere between the parties, and the effect of conventional modifications of that pretension, we are probably nearer together. I think with you, also, that the Constitution of the United States is a compact of independent nations subject to the rules acknowledged in similar cases, as well that of amendment provided within itself, as, in case of abuse, the justly dreaded but unavoidable *ultimo ratio gentium*. The report on the Panama question mentioned in your letter has, as I suppose, got separated by the way. It will probably come by another mail. In some of the letters you have been kind enough to write me, I have been made to hope the favor of a visit from Washington. It would be received with sincere welcome, and unwillingly relinquished if no circumstance should render it inconvenient to yourself. I repeat always with pleasure the assurances of my great esteem and respect.

TO DR. JOHN P. EMMETT, PROFESSOR OF NATURAL HISTORY AT THE UNIVERSITY OF VIRGINIA.

MONTICELLO, April 27, 1826.

DEAR SIR,—It is time to think of the introduction of the school of Botany into our institution. Not that I suppose the lectures can be begun in

the present year, but that we may this year make the preparations necessary for commencing them the next. For that branch, I presume, can be taught advantageously only during the short season while nature is in general bloom, say during a certain portion of the months of April and May, when, suspending the other branches of your department, that of Botany may claim your exclusive attention. Of this, however, you are to be the judge, as well as of what I may now propose on the subject of preparation. I will do this in writing, while sitting at my table, and at ease, because I can rally there, for your consideration, with more composure than in extempore conversation, my thoughts on what we have to do in the present season.

I suppose you were well acquainted, by character, if not personally, with the late Abbé Correa, who passed some time among us, first as a distinguished savant of Europe, and afterwards as ambassador of Portugal, resident with our government. Profoundly learned in several other branches of science, he was so, above all others, in that of Botany; in which he preferred an amalgamation of the methods of Linnæus and of Jussieu, to either of them exclusively. Our institution being then on hand, in which that was of course to be one of the subjects of instruction, I availed myself of his presence and friendship to obtain from him a general idea of the extent of ground we should employ, and the number and character of the plants we should introduce

into it. He accordingly sketched for me a mere outline of the scale he would recommend, restrained altogether to objects of use, and indulging not at all in things of mere curiosity, and especially not yet thinking of a hot-house, or even of a green-house. I enclose you a copy of his paper, which was the more satisfactory to me, as it coincided with the moderate views to which our endowments as yet confine us. I am still the more satisfied, as it seemed to be confirmed by your own way of thinking, as I understood it in our conversation of the other day. To your judgment altogether his ideas will be submitted, as well as my own, now to be suggested as to the operations of the present year, preparatory to the commencement of the school in the next.

1. Our first operation must be the selection of a piece of ground of proper soil and site, suppose of about six acres, as M. Correa proposes. In choosing this we are to regard the circumstances of soil, water, and distance. I have diligently examined all our grounds with this view, and think that that on the public road, at the upper corner of our possessions, where the stream issues from them, has more of the requisite qualities than any other spot we possess.[1] 170 yards square, taken at that angle, would make the six acres we want. But the angle at the road

[1] To wit, 19,360 square yards = 4 acres for the garden of plants.
9,680 " " = 2 acres for the plants of trees.

29,040 square yards = 6 acres in the whole.

is acute, and the form of the ground will be trapezoid, not square. I would take, therefore, for its breadth, all the ground between the road and the dam of the brick ponds, extending eastwardly up the hill, as far and as wide as our quantity would require. The bottom ground would suit for the garden plants; the hillsides for the trees.

2. Operation. Enclose the ground with a serpentine brick wall seven feet high. This would take about 80,000 bricks, and cost $800, and it must depend on our finances whether they will afford that immediately, or allow us, for awhile, but enclosure of posts and rails.

3. Operation. Form all the hillsides into level terrasses of convenient breadth, curving with the hill, and the level ground into beds and alleys.

4. Operation. Make out a list of the plants thought necessary and sufficient for botanical purposes, and of the trees we propose to introduce, and take measures in time for procuring them.

As to the seeds of plants, much may be obtained from the gardeners of our own country. I have, moreover, a special resource. For three-and-twenty years of the last twenty-five, my good old friend Thonin, superintendent of the garden of plants at Paris, has regularly sent me a box of seeds, of such exotics, as to us, as would suit our climate, and containing nothing indigenous to our country. These I regularly sent to the public and private gardens of the other States, having as yet no employment

for them here. But during the last two years this envoi has been intermitted, I know not why. I will immediately write and request a re-commencement of that kind office, on the ground that we can now employ them ourselves. They can be here in early spring.

The trees I should propose would be exotics of distinguished usefulness, and accommodated to our climate; such as the Larch, Cedar of Libanus, Cork Oak, the Marronnier, Mahogany, the Catachu or Indian rubber tree of Napul, (30°) Teak tree, or Indian oak of Burman, (23°) the various woods of Brazil, etc.

The seed of the Larch can be obtained from a tree at Monticello. Cones of the Cedar of Libanus are in most of our seed shops, but may be had fresh from the trees in the English gardens. The Marronnier and Cork Oak, I can obtain from France. There is a Marronnier at Mount Vernon, but it is a seedling, and not therefore select. The others may be got through the means of our ministers and consuls in the countries where they grow, or from the seed shops of England, where they may very possibly be found. Lastly, a gardener of sufficient skill must be obtained.

This, dear Sir, is the sum of what occurs to me at present; think of it, and let us at once enter on the operations.

Accept my friendly and respectful salutations.

TO DOCTOR JOHN P. EMMET.

MONTICELLO, May 2, 1826.

DEAR SIR,—The difficulties suggested in your favor of the 28th ult., are those which must occur at the commencement of every undertaking. A full view of the subject however will, I think, solve them. In every meditated enterprise, the means we can employ are to be estimated, and to these must be proportioned our expectations of effect. If, for example, to the cultivation of a given field we can devote but one hundred dollars, we are not to expect the product which $1,000 would extract from it. Applying this principle to the present subject of education, from a revenue of $15,000, and with eight professors, we cannot expect to obtain that grade of instruction to our youth, which 15,000 guineas and thirty or forty instructors would give. Reviewing, then, the branches of science in which we wish our youth to obtain some instruction, we must distribute them into so many groups as we can employ professors, and as equally, too, as practicable. We must take into account also the time which our youths can generally afford to the whole circle of education, and proportion the extent of instruction in each branch to the quota of that time, and of the professor's attention which may fall to its share. In the smallest of our academies, two professors alone can be afforded,—one of languages, another of sciences, or of Philosophy,

as he is generally styled. The degree of instruction which can be given in each branch, at these schools, must be very moderate. Yet there are youths whose means can afford no more, and who nevertheless are glad even of that. The most highly endowed of our Seminaries has a revenue of perhaps $25,000 or $30,000. They consequently may subdivide the sciences into twelve or fifteen schools, and give a proportionably more minute degree of instruction in each. It has enabled them, for example, to have five or six professors of Theology. In Europe, some of their literary institutions can afford to employ twenty, thirty, or forty professors. Our legislature, contemplating their means, took their stand at a revenue of $15,000, meant for an establishment of ten professors, but equal in fact to eight only. Accommodating ourselves, therefore, to their views, we had to distribute into eight groups those sciences in which we wished our youth should receive instruction, and to content ourselves with the portion which that number could give. On the professors it would of course devolve to form their lectures on such a scale of extension only, as to give to each of the sciences allotted them its due share of their time.

But another material question is, what is the whole term of time which the students can give to the whole course of instruction? I should say that three years should be allowed to general education, and two, or rather three, to the particular profes-

sion for which they are destined. We receive our students at the age of sixteen, expected to be previously so far qualified in the languages, ancient and modern, as that one year in our schools shall suffice for their last polish. A student then with us may give his first year here to Languages and Mathematics; his second to Mathematics and Physics; his third to Physics and Chemistry, with the other objects of that school. I particularize this distribution merely for illustration, and not as that which either is, or perhaps ought to be established. This would ascribe one year to Languages, two to Mathematics, two to Physics, and one to Chemistry and its associates. Let us see next how the items of your school may be accommodated to this scale; but by way of illustration only, as before. The allotments to your school are Botany, Zoology, Mineralogy, Chemistry, Geology, and Rural Economy. This last, however, need not be considered as a distinct branch, but as one which may be sufficiently treated by seasonable alliances with the kindred subjects of Chemistry, Botany and Zoology. Suppose then you give twelve dozen lectures a year; say two dozen to Botany and Zoology, two dozen to Mineralogy and Geology, and eight dozen to Chemistry. Or I should think that Mineralogy, Geology and Chemistry might be advantageously blended in the same course. Then your year would be formed into two grand divisions; one-third to Botany and Zoology, and two-thirds to Chemistry

and its associates, Mineralogy and Geology. To the last, indeed, I would give the least possible time. To learn, as far as observation has informed us, the ordinary arrangement of the different strata of minerals in the earth, to know from their habitual collocations and proximities, where we find one mineral, whether another, for which we are seeking, may be expected to be in its neighborhood, is useful. But the dreams about the modes of creation, inquiries whether our globe has been formed by the agency of fire or water, how many millions of years it has cost Vulcan or Neptune to produce what the fiat of the Creator would effect by a single act of will, is too idle to be worth a single hour of any man's life. You will say that two-thirds of a year, or any better estimated partition of it, can give but an inadequate knowledge of the whole science of Chemistry. But consider that we do not expect our schools to turn out their alumni already enthroned on the pinnacles of their respective sciences; but only so far advanced in each as to be able to pursue them by themselves, and to become Newtons and Laplaces by energies and perseverances to be continued through life. I have said that our original plan comprehended ten professors, and we hope to be able ere long to supply the other two. One should relieve the Medical professor from Anatomy and Surgery, and a school for the other would be made up of the surcharges of yours, and that of Physics.

From these views of the subject, dear Sir, your

only difficulty appears to be so to proportion the time you can give to the different branches committed to you, as to bring, within the compass of a year, for example, that degree of instruction in each which the year will afford. This may require some experience, and continued efforts at condensation. But, once effected, it will place your mind at ease, and give to our country a result proportioned to the means it furnishes, and which ought to satisfy, and will satisfy, all reasonable men. I am certain it will those to whom the charge and direction of this institution have been particularly confided, and to none assuredly more than to him from whom your doubts have drawn this unauthoritative exposition of the public expectations. And, with this assurance, be pleased to accept that of my sincerely friendly esteem and respect.

DEAR SIR,—After sealing the enclosed letter, it occurred to me that being on a general subject, and one equally applicable to the cases of your colleagues, the other professors, I should wish it to be read by them also. It may produce an union of views, and harmony of action, which may be useful to the Institution. Yours affectionately.

TO ———.

MONTICELLO, May 15, 1826.

DEAR SIR,—The sentiments of justice which have dictated your letters of the 3d and 9th inst., are

worthy of all praise, and merit and meet my thankful acknowledgments. Were your father now living and proposing, as you are, to publish a second edition of his memoirs, I am satisfied he would give a very different aspect to the pages of that work which respect Arnold's invasion and surprise of Richmond, in the winter of 1780-81. He was then, I believe, in South Carolina, too distant from the scene of those transactions to relate them on his own knowledge, or even to sift them from the chaff of the rumors then afloat, rumors which vanished soon before the real truth, as vapors before the sun, obliterated by their notoriety, from every candid mind, and by the voice of the many who, as actors or spectators, knew what had truly passed. The facts shall speak for themselves.

General Washington had just given notice to all the Governors on the sea-board, north and south, that an embarcation was taking place at New York, destined for the *southward, as was given out there;* and on Sunday the 31st of December, 1780, we received information that a fleet had entered our capes. It happened fortunately that our legislature was at that moment in session, and within two days of their rising, so that, during these two days, we had the benefit of their presence, and of the counsel and information of the members individually. On Monday the 1st of January, we were in suspense as to the destination of this fleet, whether up the bay, or up our river. On Tuesday at 10

o'clock, however, we received information that they had entered James river; and, on general advice, we instantly prepared orders for calling in the militia, one-half from the nearer counties, and a fourth from the more remote, which would constitute a force of between four and five thousand men, of which orders the members of the legislature, which adjourned that day, took charge, each to his respective county; and we began the removal of everything from Richmond. The wind being fair and strong, the enemy ascended the river as rapidly almost as the expresses could ride, who were dispatched to us from time to time, to notify their progress. At 5 P. M. on Thursday, we learnt that they had then been three hours landed at Westover. The whole militia of the adjacent counties were now called for, and to come on individually, without waiting any regular array. At 1 P. M. the next day, (Friday,) they entered Richmond, and on Saturday, after twenty-four hours' possession, burning some houses, destroying property, etc., they retreated, encamped that evening ten miles below, and reached their shipping at Westover the next day, (Sunday).

By this time had assembled three hundred militia under Colonel Nicholas, six miles above Westover, and two hundred under General Nelson, at Charles City Court House, eight miles below. Two or three hundred at Petersburg had put themselves under General Smallwood, of Maryland, accidentally there on his passage through the State; and Baron Steu-

ben with eight hundred, and Colonel Gibson with one thousand, were also on the south side of James river, aiming to reach Hood's before the enemy should have passed it, where they hoped they could arrest them. But the wind, having shifted, carried them down as prosperously as it had brought them up the river. Within the first five days, therefore, about twenty-five hundred men had collected at three or four different points, ready for junction. I was absent myself from Richmond (but always within observing distance of the enemy) three days only, during which I was never off my horse but to take food or rest, and was everywhere where my presence could be of any service; and I may with confidence challenge any one to put his finger on the point of time when I was in a state of remissness from any duty of my station. But I was not with the army! true; for first, where was it? second, I was engaged in the more important function of taking measures to collect an army; and, without military education myself, instead of jeopardizing the public safety by pretending to take its command, of which I knew nothing, I had committed it to persons of the art, men who knew how to make the best use of it, to Steuben for instance, to Nelson and others, possessing that military skill and experience, of which I had none.

Let our condition, too, at that time be duly considered. Without arms, without money of effect, without a regular soldier in the State, or a regular

officer, except Steuben, a militia scattered over the country, and called at a moment's warning to leave their families and firesides, in the dead of winter, to meet an enemy ready marshalled, and prepared at all points to receive them. Yet had time been given them by the hasty retreat of that enemy, I have no doubt but the rush to arms, and to the protection of their country, would have been as rapid and universal as in the invasion during our late war, when, at the first moment of notice, our citizens rose in mass, from every part of the State, and without waiting to be marshalled by their officers, armed themselves, and marched off by ones and by twos, as quickly as they could equip themselves. Of the individuals of the same house one would start in the morning, a second at noon, a third in the evening, no one waiting an hour for the company of another. This I saw myself on the late occasion, and should have seen on the former, had wind, and tide, and a Howe, instead of an Arnold, slackened their pace ever so little.

And is the surprise of an open and unarmed place, although called a city, and even a capital, so unprecedented as to be a matter of indelible reproach? Which of our own capitals during the same war, was not in possession of the same enemy, not merely by surprise and for a day only, but permanently? That of Georgia? of South Carolina? North Carolina? Pennsylvania? New York? Connecticut? Rhode Island? Massachusetts? And if others were

not, it was because the enemy saw no object in taking possession of them. Add to the list in the late war, Washington, the metropolis of the Union, covered by a fort, with troops and a dense population. And what capital on the continent of Europe, (St. Petersburg and its regions of ice excepted,) did not Bonaparte take and hold at his pleasure? Is it then just that Richmond and its authorities alone should be placed under the reproach of history, because, in a moment of peculiar denudation of resources, by the *coup de main* of an enemy, led on by the hand of fortune directing the winds and weather to their wishes, it was surprised and held for twenty-four hours? Or strange that that enemy with such advantages, should be enabled then to get off, without risking the honors he had achieved by burnings and destructions of property peculiar to his principles of warfare? We, at least, may leave these glories to their own trumpet.

During this crisis of trial I was left alone, unassisted by the co-operation of a single public functionary. For, with the legislature, every member of the council had departed to take care of his own family. Unaided even in my bodily labors, but by my horse, and he, exhausted at length by fatigue, sunk under me in the public road, where I had to leave him, and with my saddle and bridle on my shoulders, to walk afoot to the nearest farm, where I borrowed an unbroken colt, and proceeded to Man-

chester, opposite to Richmond, which the enemy had evacuated a few hours before.

Without further pursuing these minute details, I will here ask the favor of you to turn to Girardin's History of Virginia, where such of them as are worthy the notice of history, are related in that scale of extension which its objects admit. That work was written at Milton, within two or three miles of Monticello; and at the request of the author, I communicated to him every paper I possessed on the subject, of which he made the use he thought proper for his work. [See his pages 453, 460, and the appendix xi.—xv.] I can assure you of the truth of every fact he has drawn from these papers, and of the genuineness of such as he has taken the trouble of copying. It happened that during those eight days of incessant labor, for the benefit of my own memory, I carefully noted every circumstance worth it. These memorandums were often written on horseback, and on scraps of paper taken out of my pocket at the moment, fortunately preserved to this day, and now lying before me. I wish you could see them. But my papers of that period are stitched together in large masses, and so tattered and tender as not to admit removal further than from their shelves to a reading table. They bear an internal evidence of fidelity which must carry conviction to every one who sees them. We have nothing in our neighborhood which could compensate the trouble of a visit to it, unless perhaps our

University, which I believe you have not seen, and I can assure you is worth seeing. Should you think so, I would ask as much of your time at Monticello as would enable you to examine these papers at your ease. Many others too are interspersed among them, which have relation to your object, many letters from Generals Gates, Greene, Stephens and others engaged in the Southern war, and in the North also. All should be laid open to you without reserve, for there is not a truth existing which I fear, or would wish unknown to the whole world. During the invasions of Arnold, Phillips and Cornwallis, until my time of office had expired, I made it a point, once a week, by letters to the President of Congress, and to General Washington, to give them an exact narrative of the transactions of the week. These letters should still be in the Office of State in Washington, and in the presses at Mount Vernon. Or, if the former were destroyed by the conflagrations of the British, the latter are surely safe, and may be appealed to in corroboration of what I have now written.

There is another transaction, very erroneously stated in the same work, which although not concerning myself, is within my own knowledge, and I think it a duty to communicate it to you. I am sorry that not being in possession of a copy of the memoirs, I am not able to quote the page, and still less the facts themselves, verbatim from the text. But of the substance, as recollected, I am certain.

It is said there that, about the time of Tarleton's expedition up the north branch of James river to Charlottesville and Monticello, Simcoe was detached up the southern branch, and penetrated as far as New London, in Bedford, where he destroyed a depot of arms, etc., etc. I was with my family, at the time, at a possession I have within three miles of New London, and I can assure you of my own knowledge that he did not advance to within fifty miles of New London. Having reached the lower end of Buckingham, as I have understood, he heard of a deposit of arms, and a party of new recruits under Baron Steuben, somewhere in Prince Edward; he left the Buckingham road immediately, at or near Francisco's, pushed directly south at this new object, was disappointed, and returned to and down James river to headquarters. I had then returned to Monticello myself, and from thence saw the smokes of his conflagration of houses and property on that river, as they successively arose in the horizon at a distance of twenty-five or thirty miles. I must repeat that his excursion from Francisco's is not from my own knowledge, but as I have heard it from the inhabitants on the Buckingham road, which for many years I travelled six or eight times a year. The particulars of that, therefore, may need inquiry and correction.

These are all the recollections within the scope of your request, which I can state with precision and certainty; and of these you are free to make what

use you think proper in the new edition of your father's work; and with which I pray you to accept the assurances of my great esteem and respect.

TO ROGER C. WEIGHTMAN.

MONTICELLO, June 24, 1826.

RESPECTED SIR,—The kind invitation I receive from you, on the part of the citizens of the city of Washington, to be present with them at their celebration on the fiftieth anniversary of American Independence, as one of the surviving signers of an instrument pregnant with our own, and the fate of the world, is most flattering to myself, and heightened by the honorable accompaniment proposed for the comfort of such a journey. It adds sensibly to the sufferings of sickness, to be deprived by it of a personal participation in the rejoicings of that day. But acquiescence is a duty, under circumstances not placed among those we are permitted to control. I should, indeed, with peculiar delight, have met and exchanged there congratulations personally with the small band, the remnant of that host of worthies, who joined with us on that day, in the bold and doubtful election we were to make for our country, between submission or the sword; and to have enjoyed with them the consolatory fact, that our fellow citizens, after half a century of experience and prosperity, continue to approve the choice we made. May it be to the world,

The same dispositions lead us to wish, that the occasion now presented should not be defeated by useless recapitulations of what had taken place anterior to that instrument. It was with concern, therefore, I observed that you had thought it necessary to go back to the very commencement of the war, and in several parts of your letter to enumerate and comment on all the acts of our different legislatures, passed during the whole course of it, in order to deduce from thence, imputations which your justice would have suppressed, had the whole truth been presented to your view, instead of particular traits, detached from the ground on which they stood. However easy it would be to justify our country, by bringing into view the whole ground, on both sides, to show that legislative warfare began with the British Parliament; that when they levelled at persons or property, it was against entire towns or countries, without discrimination of cause or conduct, while we touched individuals only; naming them man by man, after due consideration of each case, and careful attention not to confound the innocent with the guilty; however advantageously we might compare the distant and tranquil situation of their legislature with the scenes in the midst of which ours were obliged to legislate; and might then ask, whether the difference of circumstance and situation would not have justified a contrary difference of conduct, and whether the wonder ought to be, that our legislatures had done

so much, or so little? we will waive all this, because it would lead to recollections, as unprofitable as unconciliating. The titles of some of your acts, and a single clause of one of them only, shall be thrown among the documents at the end of this letter, No. 1, 2, and with this we will drop forever the curtain on this tragedy!

SEC. 2. We now come together to consider that instrument which was to heal our wounds, and begin a new chapter in our history. The state in which that found things, is to be considered as rightful: so says the law of nations. [1] L'état ou les choses se trouvent au moment du traité doit passer pour legitime; et si l'on veut y apporter du changement il faut que le traité en fasse une mention expresse. Par consequent toutes les choses dont le traité ne dit rien, doivent demeurer dans l'etat où elles se trouvent lors de sa conclusion." Vattel, l. 4, s. 21. [2] "De quibus nihil dictum, ea manent quo sunt loco." Wolf, 1222. No alterations then are to be claimed on either side, but those which the treaty has provided. The moment, too, to which it refers, as a rule of conduct for this country at large, was the moment of its notification to the

[1] "The state in which things are found at the moment of the treaty, should be considered as lawful; and if it is meant to make any change in it, the treaty must expressly mention it. Consequently, all things, about which the treaty is silent, must remain in the state in which they are found at its conclusion." Vattel, l. 4, s. 21.

[2] "Those things of which nothing is said, remain in the state in which they are." Wolf, 1222.

country at large. Vattel, l. 4, s. 24. [1] "Le traité de paix oblige les *parties contractantes* du moment qu'il est conclu aussitôt qu'il a reçu toute sa forme; et elles doivent procurer incessamment l'execution; mais ce traité n'oblige les *sujets* que du moment qu'il leur est notifié." And s. 25. "Le traité devient *par la publication*, une loi pour les sujets, et ils sont obligés de se conformer désormais aux dispositions dont on y est convenu." And another author as pointedly says, [2] "Pactio pacis *paciscentes* statim obligat quam primum *perfecta*, cum ex pacto veniat obligatio. Subditos vero et milites, quam primum iisdem fuerit *publicata;* cum de eâ *ante publicationem ipsis certo constare non possit.*" Wolf, s. 1229. It was stipulated, indeed, by the ninth article, that "if, before its arrival in America," any place or territory, belonging to either party, should be conquered by the arms of the other, it should be restored. This was the only case in which transactions, intervening between the signature and publication, were to be nullified.

Congress, on the 24th of March, 1783, received

[1] Vattel, l. 4, s. 24.—"The treaty of peace binds the *contracting parties* from the moment it is concluded, as soon as it has received its whole form, and they ought immediately to have it executed. But this treaty does not bind the *subjects*, but from the moment it is notified to them." And s. 25.—"The treaty becomes, by its *publication*, a law for the subjects, and they are obliged, *thenceforward*, to conform themselves to the stipulations therein agreed on."

[2] "The paction of the peace binds the *contractors* immediately, as it is *perfect*, since the obligation is derived from the pact; but the *subjects* and soldiers, as soon as it is *published* to them; since *they cannot have certain evidence of it before its publication.*" Wolf, s. 1229.

informal intelligence from the Marquis de la Fayette, that provisional articles were concluded; and, on the same day, they received a copy of the articles, in a letter of March 19th, from General Carleton and Admiral Digby. They immediately gave orders for recalling all armed vessels, and communicated the orders to those officers, who answered, on the 26th and 27th, that they were not authorized to concur in the recall of armed vessels, on their part. On the 11th of April, Congress received an official copy of these articles from Dr. Franklin, with notice that a preliminary treaty was now signed between France, Spain and England. The event having now taken place on which the provisional articles were to come into effect, on the usual footing of preliminaries, Congress immediately proclaim them, and, on the 19th of April, a cessation of hostilities is published by the commander-in-chief. These particulars place all acts preceding the 11th of April out of the present discussion, and confine it to the treaty itself, and the circumstances attending its execution. I have therefore taken the liberty of extracting from your list of American acts all of those preceding that epoch, and of throwing them together in the paper No. 6, as things out of question. The subsequent acts shall be distributed, according to their several subjects, of I. Exile and confiscation: II. Debts: and III. Interest on those debts:

Beginning, I. with those of exile and confiscation, which will be considered together, because blended

together in most of the acts, and blended also in the same article of the treaty.

SEC. 3. It cannot be denied that the state of war strictly permits a nation to seize the property of its enemies found within its own limits, or taken in war, and in whatever form it exists whether in action or possession. This is so perspicuously laid down by one of the most respectable writers on subjects of this kind, that I shall use his words, [1] "Cum ea sit belli conditio, ut hostes sint omni jure spoliati, rationis est, quascunque res hostium apud hostes inventas dominum mutare, et fisco cedere. Solet præterea in singulis fere belli indictionibus constitui, ut bona hostium, tam *apud nos reperta*, quam capta bello publicentur. Si merum jus belli sequamur, etiam *immobilia* possent vendi, et eorum pretium in fiscum redigi, ut in mobilibus obtinet. Sed in omni fere Europa sola fit annotatio, ut eorum fructus, durante bello, percipiat fiscus, finito autem bello, ipsa immobilia ex pactis restituuntur pristinis dominis." Bynkersh. Quest.

[1] "Since it is a condition of war, that enemies may be deprived of all their rights, it is reasonable that everything of an enemy's, found among his enemies, should change its owner, and go to the treasury. It is, moreover, usually directed, in all declarations of war, that the goods of enemies, as well *those found among us*, as those taken in war, shall be confiscated. If we follow the mere right of war, even *immovable* property may be sold, and its price carried into the treasury, as is the custom with movable property. But in almost all Europe, it is only notified that their profits, during the war, shall be received by the treasury; and the war being ended, the immovable property itself is restored, by agreement, to the former owner." Bynk. Ques. Jur. Pub. l. 1, c. 7.

Jur. Pub. l. 1, c. 7. Every nation, indeed, would wish to pursue the latter practice, if under circumstances leaving them their usual resources. But the circumstances of our war were without example; excluded from all commerce, even with neutral nations, without arms, money, or the means of getting them abroad, we were obliged to avail ourselves of such resources as we found at home. Great Britain, too, did not consider it as an ordinary war, but a rebellion; she did not conduct it according to the rules of war, established by the law of nations, but according to her acts of Parliament, made from time to time, to suit circumstances. She would not admit our title even to the *strict rights* of ordinary war; she cannot then claim from us its *liberalities*; yet the confiscations of property were by no means universal, and that of debts still less so. What effect was to be produced on them by the treaty, will be seen by the words of the fifth article, which are as follows:

SEC. 4. "ART. V. It is agreed, that the Congress shall earnestly recommend it to the legislatures of the respective States, to provide for the restitution of all estates, rights, and properties, which have been confiscated, belonging to real British subjects, and also of the estates, rights, and properties, of persons resident in districts in the possession of his Majesty's arms, and who have not borne arms against the said United States; and that persons of any other description shall have free liberty to

go to any part or parts of the thirteen United States, and therein to remain twelve months, unmolested in their endeavors to obtain the restitution of such of their estates, rights, and properties, as may have been confiscated; and that Congress shall also earnestly recommend to the several States a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which, on the return of the blessings of peace, should universally prevail; and that Congress shall also earnestly recommend to the several States, that the estates, rights, and properties, of such last-mentioned persons, shall be restored to them, they refunding to any persons, who may be now in possession, the bona fide price (where any has been given), which such persons may have paid on purchasing any of the said lands, rights, or properties, since the confiscation. And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage, settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights."

"ART. VI. That there shall be no future confiscations made."

SEC. 5. Observe, that in every other article, the parties agree expressly, that such and such things *shall be done;* in this, they only agree to *recommend* that they shall be done. You are pleased to say

(page 7), "It cannot be presumed, that the Commissioners, who negotiated the treaty of peace, ...ngage, in behalf of Congress, to make *recom-*...*ns* to the legislatures of the respective ...which they did not expect to be effectual, ... into direct stipulations which they had ... power to enforce." On the contrary, we ...ly presume that, if they had had the power ...*e*, they would not merely have *recommended.* ...n every other article, they agree expressly ...y in this do they change the style suddenly, ...ee only to *recommend?* Because the things ...posed to be done were retrospective in their ...-would tear up the laws of the several States, ... contracts and transactions, private and ...which had taken place under them; and ...ctive laws were forbidden by the constitu- ... several of the States. Between persons ...ative language is that of his treaty, it is ...sary to explain the difference between *enact-*...ing to be done, and *recommending* it to be ...he words themselves being as well under- ...s any by which they could be explained. ...may not be unnecessary to observe, that ...*ndations* to the people, instead of *laws*, had ...troduced among us, and were rendered ... in the interval between discontinuing the ...d establishing the new governments. The ...ions and committees who then assembled, ...e the conduct of the People, having no

authority to oblige them by law, took up the practice of simply recommending measures to them. These recommendations they either complied with or not, at their pleasure. If they refused, there was complaint, but no compulsion. So, after organizing the Governments, if at any time it became expedient that a thing should be done, which Congress, or any other of the organized bodies, were not authorized to ordain, they simply recommended, and left to the People, or their legislatures, to comply, or not, as they pleased. It was impossible that the negotiators on either side should have been ignorant of the difference between agreeing *to do* a thing, and agreeing only to *recommend* it to be done. The import of the terms is so different, that no deception or surprise could be supposed, even if there were no evidence that the difference was attended to, explained, and understood.

SEC. 6. But the evidence on this occasion removes all question. It is well known that the British court had it extremely at heart, to procure a restitution of the estates of the refugees who had gone over to their side; that they proposed it in the first inferences, and insisted on it to the last; that our commissioners, on the other hand, refused it from first to last, urging, 1st. That it was unreasonable to restore the confiscated property of the refugees, unless they would reimburse the destruction of the property of our citizens, committed on their part; and 2dly. That it was beyond the powers of the

commissions to stipulate, or of Congress to enforce. On this point, the treaty hung long. It was the subject of a special mission of a confidential agent of the British negotiator from Paris to London. It was still insisted on, on his return, and still protested against, by our commissioners; and when they were urged to agree only, that Congress should *recommend* to the State legislatures to restore the estates, etc., of the refugees, they were expressly told that the legislatures would not regard the recommendation. In proof of this, I subjoin extracts from the letters and journals of Mr. Adams and Dr. Franklin, two of our commissioners, the originals of which are among the records of the Department of State, and shall be open to you for a verification of the copies. These prove, beyond all question, that the difference between an express agreement to do a thing, and to recommend it to be done, was well understood by both parties, and that the British negotiators were put on their guard by those on our part, not only that the legislature will be free to refuse, but that they probably would refuse. And it is evident from all circumstances, that Mr. Oswald accepted the *recommendation* merely to have something to oppose to the clamors of the refugees—to keep alive a hope in them, that they might yet get their property from the State legislatures; and that, if they should fail in this, they would have ground to demand indemnification from their own Government; and he might think it a circumstance

of present relief at least, that the question of indemnification by them should be kept out of sight, till time and events should open it upon the nation insensibly.

SEC. 7. The same was perfectly understood by the British ministry, and by the members of both Houses in Parliament, as well those who advocated, as those who oppose the treaty; the latter of whom, being out of the secrets of the negotiation, must have formed their judgments on the mere import of the terms. That all parties concurred in this exposition, will appear by the following extracts from the Parliamentary Register; a work, which, without pretending to give what is spoken with verbal accuracy, may yet be relied on, we presume, for the general reasoning and opinions of the speakers.

HOUSE OF COMMONS.—*The preliminary articles under consideration;* 1783, *February 17th.*

Mr. Thomas Pitt.—"That the interests of the sincere loyalists were as dear to him, as to any man; but that he could never think it would have been promoted by carrying on that unfortunate war, which Parliament had in fact suspended before the beginning of the treaty; that it was impossible, after the part Congress was pleased to take in it, to conceive that their *recommendation* would not have its proper influence on the different legislatures; that he did not himself see what more could have been done on their behalf, except by renewing

the war for their sakes, and increasing our and their calamities."—9 *Debrett's Parliamentary Register*, 233.

Mr. Wilberforce.—"When he considered the case of the loyalists, he confessed he felt himself there conquered; there he saw his country humiliated; he saw her at the feet of America! Still he was induced to believe, that Congress would religiously comply with the article, and that the loyalists would obtain redress from America. Should they not, this country was bound to afford it them. They must be compensated. Ministers, he was persuaded, meant to keep the faith of the nation with them, and he verily believed, had obtained the best terms they possibly could for them."—*Ib.* 236.

Mr. Secretary Townsend.—"He was ready to admit that many of the loyalists had the strongest claims upon this country; and he trusted, should the *recommendation* of Congress to the American States prove unsuccessful, which he flattered himself would not be the case, this country would feel itself bound in honor to make them full compensation for their losses."—*Ib.* 262.

HOUSE OF LORDS.—*February* 17, 1783.

Lord Shelburne.—"A part must be wounded, that the whole of the empire may not perish. If better terms could be had, think you, my lords, that I would not have embraced them? You all know my creed. You all know my steadiness. If it were possible to put aside the bitter cup the adver-

sities of this country presented to me, you know I would have done it; but you called for peace. I had 'but the alternative, either to accept the terms (said Congress) of our recommendation to the States in favor of the colonists, or continue the war. It is in our power to do *no more than recommend.*' Is there any man who hears me, who will clap his hand on his heart, and step forward and say, I ought to have broken off the treaty? If there be, I am sure he neither knows the state of the country, nor yet has he paid any attention to the wishes of it. But say the worst, and that, after all, this estimable set of men are not received and cherished in the bosom of their own country—is England so lost to gratitude, and all the feelings of humanity, as not to afford them an asylum? Who can be so base as to think she will refuse it to them? Surely it cannot be that noble-minded man, who would plunge his country again knee deep in blood, and saddle it with an expense of twenty millions, for the purpose of restoring them. Without one drop of blood spilt, and without one-fifth of the expense of one year's campaign, happiness and ease can be given the loyalists in as ample a manner as these blessings were ever in their enjoyment; therefore, let the outcry cease on this head."—*Ib.* 70, 71.

Lord Hawke.—"In America," said he, "Congress had engaged to recommend their [the loyalists'] cause to the Legislatures of the country. What other term could they adopt? He had searched the jour-

nals of Congress on this subject; what other term did they, or do they ever adopt in their requisitions to the different provinces? It is an undertaking on the part of Congress; that body, like the King here, is the executive power in America. Can the crown undertake for the two Houses of Parliament? It can only recommend. He flattered himself that recommendation would be attended with success; but, said he, state the case, that it will not, the liberality of Great Britain is still open to them. Ministers had pledged themselves to indemnify them; not only in the address now moved for, but even in the last address, and in the speech from the throne."

Lord Walsingham.—"We had only the *recommendation* of Congress to trust to, and how often had their recommendations been fruitless? There were many cases in point in which provincial assemblies had peremptorily refused the recommendations of Congress. It was but the other day the States refused money on the recommendations of Congress. Rhode Island unanimously refused, when the Congress desired to be authorized to lay a duty of five per cent. because the funds had failed. Many other circumstances might be produced of the failure of the recommendations of Congress, and therefore we ought not, in negotiating for the loyalists, to have trusted to the recommendations of Congress. Nothing but the *repeal* of the acts existing against them ought to have sufficed, as nothing else could give

effect to the treaty; *repeal* was not mentioned. They had only stipulated to revise and reconsider them."—11 *Debrett's Parliamentary Reg.* 44.

Lord Sackville. — "The King's ministers had weakly imagined that the *recommendation* of Congress was a sufficient security for these unhappy men. For his own part, so far from believing that this would be sufficient, or anything like sufficient, for their protection, he was of a direct contrary opinion; and if they entertained any notions of this sort, he would put an end to their idle hopes at once, by reading from a paper in his pocket, a resolution, which the assembly of Virginia had come to, so late as on the 17th of December last. The resolution was as follows: 'That all demands or requests of the British court for the restitution of property, confiscated by this State, being neither supported by law, equity, or policy, are wholly inadmissible; and that our delegates in Congress be instructed to move Congress that they may direct their deputies, who shall represent these States in the general Congress, for adjusting a peace or truce, neither to agree to any such restitution, or submit that the laws made by any independent State in this Union, be subjected to the adjudication of any power or powers on earth.'"—*Ib. pages* 62, 63.

Some of the speakers seem to have had not very accurate ideas of our government. All of them, however, have perfectly understood, that a *recommendation* was a matter, not of obligation or coer-

cion, but of persuasion and influence, merely. They appear to have entertained greater or less degrees of hope or doubt, as to its effect on the Legislatures, and though willing to see the result of this chance, yet, if it failed, they were prepared to take the work of indemnification on themselves.

SEC. 8. The agreement then being only that Congress should *recommend* to the State Legislatures a restitution of estates, and liberty to remain a twelvemonth for the purpose of soliciting the restitution, and to recommend a revision of all acts regarding the premises, Congress did, immediately on the receipt of the definitive articles, to wit, on the 14th of January, 1784, come to the following resolution, viz: "Resolved unanimously, nine States being present, that it be, and it is hereby, earnestly recommended to the Legislatures of the respective States, to provide for the restitution of all estates, rights, and properties, which have been confiscated, belonging to real British subjects; and also, of the estates, rights, and properties, of persons resident in districts which were in the possession of his Britannic Majesty's arms, at any time between the 30th day of November, 1782, and the 14th day of January, 1784, and who have not borne arms against the said United States; and that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months, unmolested in their endeavors to obtain the restitution of such of their estates,

rights, and properties, as may have been confiscated; and it is also hereby earnestly recommended to the several States, to reconsider and revise all their acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation which, on the return of the blessings of peace, should universally prevail; and it is hereby also earnestly recommended to the several States, that the estates, rights, and properties, of such last-mentioned persons should be restored to them, they refunding to any persons who may be now in possession, the *bona fide* price (where any has been given) which such persons may have paid, on purchasing any of the said lands, rights or properties, since the confiscation.

"Ordered, That a copy of the proclamation of this date, together with the recommendation, be transmitted to the several States by the Secretary."

SEC. 9. The British negotiators had been told by ours, that all the States would refuse to comply with this recommendation; one only, however, refused altogether. The others complied in a greater or less degree, according to the circumstances and dispositions in which the events of the war had left them; but, had all of them refused, it would have been no violation of the 5th article, but an exercise of that freedom of will, which was reserved to them, and so understood by all parties.

The following are the acts of your catalogue

which belong to this head, with such short observations as are necessary to explain them; beginning at that end of the Union, where, the war having raged most, we shall meet with the most repugnance to favor:

SEC. 10. *Georgia.*—1783, July 29. An act releasing certain persons from their bargains. A law had been passed during the war, to wit, in 1782, [A. 30.] confiscating the estates of persons therein named, and directing them to be sold; they were sold; but some misunderstanding happened to prevail among the purchasers, as to the mode of payment. This act of 1783, therefore, permits such persons to relinquish their bargains, and authorizes a new sale; the lands remaining confiscated under the law made previous to the peace.

1785, Feb. 22. An act to authorize the auditor to liquidate the demands of such persons as have claims against the confiscated estates. In the same law of confiscations made during the war, it had been provided that the estates confiscated should be subject to pay the debts of their former owner. This law of 1785, gave authority to the auditor to settle with, and pay the creditors, and to sell the remaining part of the estate confiscated as before.

1787, Feb. 10. An act to compel the settlement of public accounts, for inflicting penalties, and vesting the auditor with certain powers. This law also is founded on the same confiscation law of 1782, requiring the auditor to press the settlement with the creditors, etc.

1785, Feb. 7. An act for ascertaining the rights of aliens, and pointing out the mode for the admission of citizens. It first describes what persons shall be free to become citizens, and then declares none shall be capable of that character who had been named in any confiscation law, or banished, or had borne arms against them. This act does not prohibit either the refugees, or real British subjects, from coming into the State to pursue their lawful affairs. It only excludes the former from the right of citizenship, and it is to be observed, that this recommendatory article does not say a word about giving them a right to become citizens. If the conduct of Georgia should appear to have been peculiarly uncomplying, it must be remembered that that State had peculiarly suffered; that the British army had entirely overrun it; had held possession of it for some years; and that all the inhabitants had been obliged either to abandon their estates and fly their country, or to remain in it under a military government.

SEC. 11. *South Carolina.*—1783, August 15th. An act to vest 180 acres of land, late the property of James Holmes, in certain persons, in trust for the benefit of a public school. These lands had been confiscated and sold during the war. The present law prescribes certain proceedings as to the purchasers, and provides for paying the debts of the former proprietors.

1786, March 22. An act to amend the confiscation act, and for other purposes therein mentioned.

This relates only to estates which had been confiscated before the peace. It makes some provision towards a final settlement, and relieves a number of persons from the amercements which had been imposed on them during the war, for the part they had taken.

1784, March 26. An act restoring to certain persons their estates, and permitting the said persons to return, and for other purposes. This act recites, that certain estates had been confiscated, and the owners, 124 in number, banished by former laws; that Congress had earnestly recommended in the terms of the treaty—it therefore distributes them into three lists or classes, restoring to all of them the lands themselves, where they remained unsold, and the price, where sold, requiring from those in lists No. 1 and 3, to pay 12 per cent. on the value of what was restored, and No. 2, nothing; and it permits all of them to return, only disqualifying those of No. 1 and 3, who had borne military commissions against them, from holding any office for seven years.

Governor Moultrie's letter of June 21, 1786, informs us, that most of the confiscations had been restored; that the value of those not restored, was far less than that of the property of their citizens carried off by the British, and that fifteen, instead of twelve months, had been allowed to the persons for whom permission was recommended to come and solicit restitution.

SEC. 12. *North Carolina.*—1784, October. An act directing the sale of confiscated property.

1785, Dec. 29. An act to secure and quiet in their possessions, the purchasers of lands, goods, etc., sold, or to be sold by the commissioners of forfeited estates. These two acts relate expressly to property "heretofore confiscated," and secure purchasers under those former confiscations.

1790. The case of Bayard *v.* Singleton, adjudged in a court of judicature in North Carolina. Bayard was a purchaser of part of an estate confiscated during the war, and the court adjudged his title valid; and it is difficult to conceive on what principle that adjudication can be complained of, as an infraction of the treaty.

1785, Nov. 19. An act was passed to restore a confiscated estate to the former proprietor, Edward Bridgen.

1784, Oct. An act to describe and ascertain such persons as owed allegiance to the State, and impose certain disqualifications on certain persons therein named.

1785, Nov. An act to amend the preceding act.

1788, April. An act of pardon and oblivion. The two first of these acts exercised the right of the State to describe who should be its citizens, and who should be disqualified from holding offices. The last, entitled An act of pardon and oblivion, I have not been able to see; but, so far as it pardons, it is a compliance with the recommendation of Congress

under the treaty, and so far as it excepts persons out of the pardon, it is a refusal to comply with the recommendation, which it had a right to do. It does not appear that there has been any obstruction to the return of those persons who had claims to prosecute.

SEC. 13. *Virginia.*—The catalogue under examination, presents no act of this State subsequent to the treaty of peace, on the subject of confiscations. By one of October 18, 1784, they declared there should be no future confiscations. But they did not choose to comply with the recommendation of Congress, as to the restoration of property which had been already confiscated; with respect to persons, the first assembly which met after the peace, passed—

1783, October. The act prohibiting the migration of certain persons to this commonwealth, and for other purposes therein mentioned, which was afterwards amended by,

1786, October. An act to explain and amend the preceding. These acts, after declaring who shall not have a right to migrate to, or become citizens of, the State, have each an express proviso, that *nothing contained in them shall be so construed as to contravene the treaty of peace with Great Britain;* and a great number of the refugees having come into the State, under the protection of the first law, and it being understood that a party was forming in the State to ill-treat them, the Governor, July 26, 1784,

published the proclamation, No. 14, enjoining all magistrates and other civil officers, to protect them, and to secure to them the rights derived from the treaty, and acts of assembly aforesaid, and to bring to punishment all who should offend herein, in consequence of which, those persons remained quietly in the State; and many of them have remained to this day.

SEC. 14. *Maryland.*—1785, Nov. An act to vest certain powers in the Governor and Council. Sec. 3.

1788, Nov. An act to empower the Governor and Council to compound with the discoveries of British property and for other purposes. These acts relate purely to property which had been confiscated during the war; and the State not choosing to restore it, as recommended by Congress, passed them for bringing to a conclusion the settlement of all transactions relative to the confiscated property.

I do not find any law of this State, which could prohibit the free return of their refugees, or the reception of the subjects of Great Britain, or of any other country. And I find that they passed, in

1786, Nov. An act to repeal that part of the act for the security of their government, which disqualified non-jurors from holding offices, and voting at elections.

1790. The case of Harrison's representatives in the court of chancery of Maryland, is in the list of infractions. These representatives being British subjects, and the laws of this country, like those of

England, not permitting aliens to hold lands, the question was, whether British subjects were aliens. They decided that they were; consequently, that they could not take lands; and consequently, also, that the lands in this case escheated to the State. Whereupon, the Legislature immediately interposed, and passed a special act, allowing the benefits of the succession to the representatives. But had they not relieved them, the case would not have come under the treaty; for there is no stipulation in that doing away the laws of alienage, and enabling the members of each nation to inherit or hold lands in the other.

SEC. 15. *Delaware.*—This State, in the year 1778, passed an act of confiscation against forty-six citizens, by name, who had joined in arms against them, unless they should come in by a given day, and stand their trial. The estates of those who did not, were sold, and the whole business soon closed. They never passed any other act on the subject, either before or after the peace. There was no restitution, because there was nothing to restore, their debts having more than exhausted the proceeds of the sales of their property, as appears by Mr. Read's letter, and that all persons were permitted to return, and such as chose it, have remained there in quiet to this day.

SEC. 16. *Pennsylvania.*—The catalogue furnishes no transaction of this State subsequent to the arrival of the treaty of peace, on the subject of con-

fiscation, except 1790, August. An order of the Executive Council to sell part of Harry Gordon's real estate, under the act of January 31, 1783. This person had been summoned by proclamation, by the name of Henry Gordon, to appear before the first day of November, 1781, and failing, his estate was seized by the commissioners of forfeitures, and most of it sold. The act of 1783, January 31, cured the misnomer, and directed what remained of his estate to be sold. The confiscation being complete, it was for them to say whether they would restore it, in compliance with the recommendation of Congress. They did not, and the executive completed the sale, as they were bound to do. All persons were permitted to return to this State, and you see many of them living here to this day in quiet and esteem.

SEC. 17. *New Jersey.*—The only act alleged against this State, as to the recommendatory article is,

1783, December 23. An act to appropriate certain forfeited estates. This was the estate of John Zabriski, which had been forfeited during the war, and the act gives it to Major-General Baron Steuben, in reward for his services. The confiscation being complete, the Legislature were free to do this. Governor Livingston's letter is an additional testimony of the moderation of this State, after the proclamation of peace, and from what we have a right to conclude, that no persons were prevented from returning and remaining indefinitely.

SEC. 18. *New York.*—This State had been among the first invaded; the greatest part of it had been possessed by the enemy through the war; it was the last evacuated; its inhabitants had in great numbers been driven off their farms; their property wasted, and themselves living in exile and penury, and reduced from affluence to want, it is not to be wondered at, if their sensations were among the most lively; accordingly, they, in the very first moment, gave a flat refusal to the recommendation, as to the restoration of property. See document No. 17, containing their reasons. They passed, however, 1784, May 12, the act to preserve the freedom and independence of this State, and for other purposes therein mentioned, in which, after disqualifying refugees from offices, they permit them to come, and remain as long as may be absolutely necessary to defend their estates.

SEC. 19. *Connecticut.*—A single act only on the same subject is alleged against this State, after the treaty of peace. This was

1790. An act directing certain confiscated estates to be sold. The title shows they were old confiscations, not new ones, and Governor Huntington's letter informs us, that all confiscations and prosecutions were stopped on the peace; that some restorations of property took place, and all persons were free to return.

SEC. 20. *Rhode Island.*—The titles of four acts of this State are cited in your Appendix, to wit:

1783, May 27. An act to send out of the State N. Spink and I. Underwood, who had formerly joined the enemy, and were returned to Rhode Island.

1783, June 8. An act to send William Young, theretofore banished out of the State, and forbidden to return at his peril.

1783, June 12. An act allowing William Brenton, late an absentee, to visit his family for one week, then sent away, not to return.

1783, October. An act to banish S. Knowles (whose estate had been forfeited), on pain of death if he return. Mr. Channing, the attorney of the United States for that district, says, in his letter, "he had sent me all the acts of that Legislature, that affect either the debts, or the persons of British subjects, or American refugees." The acts above cited are not among them. In the answer of April 6, which you are pleased to give to mine of March 30, desiring copies of these, among other papers, you say the book is no longer in your possession. These circumstances will, I hope, excuse my not answering or admitting these acts, and justify my proceeding to observe, that nothing is produced against this State on the subject, after the treaty; and the district attorney's letter, before cited, informs us, that their courts considered the treaty as paramount to the laws of the State, and decided accordingly, both as to persons and property, and that the estates of all British subjects, seized by the State, had been restored, and the rents and profits accounted for.

Governor Collins' letter, No. 20, is a further evidence of the compliance of this State.

SEC. 21. *Massachusetts.*—1784, March 24. This State passed an act for repealing two laws of this State, and for asserting the right of this free and sovereign commonwealth to expel such aliens as may be dangerous to the peace and good order of government, the effect of which was to reject the recommendation of Congress, as to the return of persons, but to restore to them such of their lands as were not confiscated, unless they were pledged for debt; and by—

1784, November 10. An act in addition to an act for repealing two laws of this State, they allowed them to redeem their lands pledged for debt, by paying the debt.

SEC. 22. *New Hampshire.*—Against New Hampshire nothing is alleged; that State having not been invaded at all, was not induced to exercise any acts of right against the subjects or adherents of their enemies.

The acts, then, which have been complained of as violations of the 5th article, were such as the States were free to pass, notwithstanding the recommendation; such as it was well understood they would be free to pass without any imputation of infraction, and may therefore be put entirely out of question.

SEC. 23. And we may further observe, with respect to the same acts, that they have been con-

sidered as infractions not only of the 5th article, which recommended the restoration of the confiscations which *had taken place during the war*, but also of that part of the 6th article which forbade *future* confiscations. But not one of them touched an estate which had not been before confiscated; for you will observe, that an act of the Legislature, confiscating lands, stands in place of *an office found* in ordinary cases; and that, *on the passage of the act*, as *on the finding of the office*, the State stands, *ipso facto*, possessed of the lands, without a formal entry. The confiscation then is complete by the passage of the act. Both the title and possession being divested out of the former proprietor, and vested in the State, no subsequent proceedings relative to the lands are acts of confiscation, but are mere exercises of ownership, whether by levying profits, conveying for a time, by lease, or in perpetuo, by an absolute deed. I believe, therefore, it may be said with truth, that there was not a single confiscation made in any one of the United States, after notification of the treaty; and, consequently, it will not be necessary to notice again this part of the 6th article.

SEC. 24. Before quitting the recommendatory article, two passages in the letter are to be noted, which, applying to all the States in general, could not have been properly answered under any one of them in particular. In page 16 is the following passage: "The express provision in the treaty, for

the restitution of the estates and properties of persons of both these descriptions [British subjects and Americans who had stayed within the British lines, but had not borne arms] certainly comprehended a virtual acquiescence in their right to reside where their property was situated, and to be restored to the privileges of citizenship." Here seems to be a double error, first in supposing an express provision, whereas the words of the article, and the collateral testimony adduced, have shown that the provision was neither *express*, nor meant to be so. And secondly, in inferring, from a restitution of the estate, a virtual acquiescence in the right of the party to reside where the estate is. Nothing is more frequent than for a sovereign to banish the person, and leave him possessed of his estate. The inference in the present case, too, is contradicted, as to the *refugees*, by the recommendation to permit their residence twelve months; and as to British subjects, by the silence of the article, and the improbability that the British plenipotentiary meant to stipulate a right for British subjects to emigrate and become members of another community.

SEC. 25. Again, in page 34, it is said, "The nation of Great Britain has been involved in the payment to them of no less a sum than four millions sterling, as a partial compensation for the losses they had sustained." It has been before proved, that Mr. Oswald understood perfectly, that no indemnification was claimable from us; that, on the contrary,

we had a counter claim of indemnification to much larger amount. It has been supposed, and not without grounds, that the glimmering of hope, provided by the recommendatory article, was to quiet, for the present, the clamors of the sufferers, and to keep their weight out of the scale of opposition to the peace, trusting to time and events for an oblivion of these claims, or a gradual ripening of the public mind to meet and satisfy them at a moment of less embarrassment: the latter is the turn which the thing took. The claimants continued their importunities, and the Government determined at length to indemnify them for their losses; and, open-handedly as they went to work, it cost them less than to have settled with us the just account of mutual indemnification urged by our commissioners. It may be well doubted, whether there were not single States of our Union to which the four millions you have paid would have been no indemnification for the losses of property sustained contrary even to the laws of war; and what sum would have indemnified the whole thirteen, and, consequently, to what sum our whole losses of this description have amounted, would be difficult to say. However, though in nowise interested in the sums you thought proper to give to the refugees, we could not be inattentive to the measure in which they were dealt out. Those who were on the spot, and who knew intimately the state of affairs with the individuals of this description, who knew that their debts often

exceeded their possessions, insomuch that the most faithful administration made them pay but a few shillings in the pound, heard with wonder of the sums given, and could not but conclude, that those largesses were meant for something more than loss of property—that services and other circumstances must have had great influence. The sum paid is therefore no imputation on us. We have borne our own losses. We have even lessened yours, by numerous restitutions, where circumstances admitted them; and we have much the worst of the bargain by the alternative you choose to accept, of indemnifying your own sufferers, rather than ours.

SEC. 26. II. The article of debts is next in order; but to place on their true grounds our proceedings relative to them, it will be necessary to take a view of the British proceedings, which are the subject of complaint in my letter of December 15.

In the 7th article, it was stipulated, that his Britannic Majesty should withdraw his armies, garrisons, and fleets, without carrying away any negroes, or other property of the American inhabitants. This stipulation was known to the British commanding officers, before the 19th of March, 1783, as *provisionally* agreed; and on the 5th of April they received official notice from their court of the conclusion and ratification of the preliminary articles between France, Spain, and Great Britain, which gave activity to ours, as appears by the letter of Sir Guy Carleton to General Washington, dated April

6, 1783. Document No. 21. From this time, then, surely, no negroes could be carried away without a violation of the treaty. Yet we find that, so early as May 6, a *large* number of them had already been embarked for Nova Scotia, of which, as contrary to an express stipulation in the treaty, General Washington declared to him his sense and surprise. In the letter of Sir Guy Carleton of May 12 (annexed to mine to you of the 15th of December), he admits the fact; palliates it by saying he had no right to deprive the negroes of that liberty he found them *possessed* of; that it was unfriendly to suppose that the King's minister could stipulate to be guilty of a notorious breach of the public faith towards the negroes; and that, *if it was his intention, it must be adjusted by compensation*, restoration being utterly impracticable, where inseparable from a breach of public faith. But surely, Sir, an officer of the King is not to question the validity of the King's engagements, nor violate his solemn treaties, on his own scruples about the public faith. Under this pretext, however, General Carleton went on in daily infractions, embarking, from time to time, between his notice of the treaty and the 5th of April, and the evacuation of New York, November 25, 3,000 negroes, of whom our commissioners had inspection, and a very large number more, in public and private vessels, of whom they were not permitted to have inspection. Here, then, was a direct, unequivocal and avowed violation of this part of the 7th article,

in the first moments of its being known; an article which had been of extreme solicitude on our part, on the fulfilment of which depended the means of paying debts, in proportion to the number of laborers withdrawn; and when, in the very act of violation, we warn, and put the commanding officer on his guard, he says, directly, he will go through with the act, and leave it to his court to adjust it by compensation.

SEC. 27. By the same article, his Britannic Majesty stipulates, that he will, *with all convenient speed*, withdraw his garrisons from *every* post within the United States. "When no precise term," says a writer on the Law of Nations [Vattel, l. 4. c. 26], "has been marked for the accomplishment of a treaty, and for the execution of each of its articles, good sense determines that every point should be executed *as soon as possible*. This is, without doubt, what was understood."[1] The term in the treaty, *with all convenient speed*, amounts to the same thing, and clearly excludes all unnecessary delay. The general pacification being signed on the 20th of January, some time would be requisite for the orders for evacuation to come over to America, for the removal of stores, property, and persons, and finally for the act of evacuation. The larger the post, the longer the time necessary to remove all its contents; the

[1] "Lors qu'on n'a point marqué de terme pour l'accomplissement du traité, et pour l'execution de chacun des articles, le bon sens dit que chaque point doit être executé aussitôt qu'il est possible. C'est sans doute ainsi qu'on l'a entendu."

smaller, the sooner done. Hence, though General Carleton received his orders to evacuate New York in the month of April, the evacuation was not completed till late in November. It had been the principal place of arms and stores; the seat, as it were, of their general government, and the asylum of those who had fled to them. A great quantity of shipping was necessary, therefore, for the removal, and the General was obliged to call for a part from foreign countries. These causes of delay were duly respected on our part. But the posts of Michillimackinac,[1] Detroit, Niagara, Oswego, Oswegatchie, Point-au-Fer, Dutchman's Point, were not of this magnitude. The orders for evacuation, which reached General Carleton, in New York, early in April, might have gone, in one month more, to the most remote of these posts. Some of them might have been evacuated in a few days after, and the largest in a few weeks. Certainly they might all have been delivered, without any *inconvenient speed* in the operations, by the end of May, from the known facility furnished by the lakes, and the water connecting them; or by crossing immediately over into their own territory, and availing themselves of the season for making new establishments there, if that was intended. Or whatever time might, in event, have been necessary for their evacuation, certainly the order for it should have been given from England,

[1] Instead of this, Fort Erie was, by error, inserted in my letter of December 15.

and might have been given as early as that from New York. Was any order ever given? Would not an *unnecessary delay* of the order, producing an equal delay in the evacuation, be an infraction of the treaty? Let us investigate this matter.

On the 3d of August, 1783, Major-General Baron Steuben, by orders from General Washington, having repaired to Canada for this purpose, wrote the letter No. 22 to General Haldimand, Governor of the province, and received from him the answer of August 13, No. 23. Wherein he says, "The orders I have received, direct a discontinuance of every hostile measure *only*," etc. And in his conference with Baron Steuben, he says expressly, "That he *had not received any orders* for making the least arrangements for the evacuation of a single post." The orders, then, which might have been with him by the last of April, were unknown, if they existed, the middle of August. See Baron Steuben's letter, No. 24.

Again, on the 19th of March, 1784, Governor Clinton, of New York, within the limits of which State some of these posts are, writes to General Haldimand, the letter No. 25; and that General, answering him, May 10, from Quebec, says, "Not having had the honor *to receive orders* and instructions relative to withdrawing the garrisons," etc.; fourteen months were now elapsed, and the *orders not yet received*, which might have been received in four.

Again, on the 12th of July, Colonel Hull, by order from General Knox, the Secretary of War, writes to General Haldimand, the letter No. 27; and General Haldimand gives the answer of the 13th, No. 28, wherein he says, "Though I am now informed, by his Majesty's ministers, of the ratification, etc., I remain, etc., *not having received any orders* to evacuate the posts which are without the limits," etc. And this is eighteen months after the signature of the general pacification! Now, is it not fair to conclude, if the order was not arrived on the 13th of August, 1783, if it was not arrived on the 10th of May, 1784, nor yet on the 13th of July, in the same year, that, in truth, the order had never been given? and if it had never been given, may we not conclude that it never had been intended to be given? From what moment is it we are to date this infraction? From that, at which, with convenient speed, the order to evacuate the upper posts might have been given. No legitimate reason can be assigned, why that order might not have been given as early, and at the same time, as the order to evacuate New York; and *all delay, after this, was in contravention of the treaty.*

SEC. 28. Was this delay merely innocent and unimportant to us, setting aside all considerations but of interest and safety? 1. It cut us off from the fur-trade, which before the war had been always of great importance as a branch of commerce, and as a source of remittance for the payment of our

debts to Great Britain; for the injury of withholding our posts, they added the obstruction of all passage along the lakes and their communications. 2. It secluded us from connection with the northwestern Indians, from all opportunity of keeping up with them friendly and neighborly intercourse, brought on us consequently, from their known dispositions, constant and expensive war, in which numbers of men, women, and children, have been, and still are, daily falling victims to the scalping knife, and to which there will be no period, but in our possession of the posts which command their country.

It may safely be said, then, that the treaty was violated in England, before it was known in America, and in America, as soon as it was known, and that too, in points so essential, as that, without them, it would never have been concluded.

SEC. 29. And what was the effect of these infractions on the American mind? On the breach of any article of a treaty by the one party, the other has its election to declare it dissolved in all its articles, or to compensate itself by withholding execution of equivalent articles; or to waive notice of the breach altogether.

Congress being informed that the British commanding officer was carrying away the negroes from New York, in avowed violation of the treaty, and against the repeated remonstrances of General Washington, they take up the subject on the 26th of May,

1783; they declare that it is contrary to the treaty; direct that the proper papers be sent to their ministers plenipotentiary in Europe to remonstrate, and demand reparation, and that, in the meantime, General Washington continue his remonstrances to the British commanding officer, and insist on the discontinuance of the measure. See document No. 29.

SEC. 30. The State of Virginia, materially affected by this infraction, because the laborers thus carried away were chiefly from thence, while heavy debts were now to be paid to the very nation which was depriving them of the means, took up the subject in December, 1783, that is to say, seven months after that particular infraction, and four months after the first refusal to deliver up the posts, and instead of arresting the debts absolutely, in reprisal for their negroes carried away, they passed [D. 5] the act to revive and continue the several acts for suspending the issuing executions on certain judgments until December, 1783, that is to say, they revived, till their next meeting, two acts passed during the war, which suspended all *voluntary and fraudulent* assignments of debt, and as to *others*, allowed real and personal estate to be tendered in discharge of executions; the effect of which was to relieve the body of the debtor from prison, by authorizing him to deliver property in discharge of the debt. In June following, thirteen months after the violation last mentioned, and after a second refusal by the British commanding officer to deliver up the

posts, they came to the resolution No. 30, reciting specially the infraction respecting their negroes, instructing their delegates in Congress to press for reparation; and resolving, that the courts shall be opened to British suits, as soon as *reparation shall be made*, or otherwise, *as soon as Congress shall judge it indispensably necessary*. And in 1787, they passed [C. 7.] the act to repeal so much of all and every act or acts of assembly, as prohibits the recovery of British debts; and, at the same time [E. 6.] the act to repeal part of an act for the protection and encouragement of the commerce of nations acknowledging the independence of the United States of America. The former was not to be in force till the evacuation of the posts, and reparation for the negroes carried away. The latter requires particular explanation. The small supplies of European goods, which reached us during the war, were frequently brought by captains of vessels and supercargoes, who, as soon as they had sold their goods, were to return to Europe with their vessels. To persons under such circumstances, it was necessary to give a summary remedy for the recovery of the proceeds of their sale. This had been done by the law for the protection and encouragement of the commerce of nations acknowledging the independence of the United States, which was meant but as a temporary thing, to continue while the same circumstances continued. On the return of peace, the supplies of foreign goods were made, as before the

war, by merchants resident here. There was no longer reason to continue to them the summary remedy, which had been provided for the transient vender of goods. And, indeed, it would have been unequal to have given the resident merchant instantaneous judgment against a farmer or tradesman, while the farmer or tradesman could pursue those who owed him money but in the ordinary way, and with the ordinary delay. The British creditor had no such unequal privilege while we were under British government, and had no title to it, in justice, or by the treaty, after the war. When the legislature proceeded, then, to repeal the law, as to other nations, it would have been extraordinary to have continued it for Great Britain.

SEC. 31. South Carolina was the second State which moved in consequence of the British infractions, urged thereto by the desolated condition in which their armies had left that country, by the debts they owed, and the almost entire destruction of the means of paying them. They passed [D. 7. 20.] 1784, March 26th, an ordinance respecting the recovery of debts, suspending the recovery of all actions, as well American as British, for nine months, and then allowing them to recover payment at four equal and annual instalments only, requiring the debtor in the meantime, to give good security for his debt, or otherwise refusing him the benefit of the act, by—

[D. 21.] 1787, March 28. An act to regulate the

recovery and payment of debts, and prohibiting the importation of negroes, they extended the instalments, a year further in a very few cases. I have not been able to procure the two following acts [D. 14.] 1785, October 12th, An act for regulating sales under executions, and for other purposes therein mentioned; and

[D. 22.] 1788, Nov. 4. An act to regulate the payment and recovery of debts, and to prohibit the importation of negroes for the time therein limited; and I know nothing of their effect, or their existence, but from your letter, which says, their effect was to deliver property in execution, in relief of the body of the debtor, and still further to postpone the instalments. If, during the existence of material infractions on the part of Great Britain, it were necessary to apologize for these modifications of the proceedings of the debtor, grounds might be found in the peculiar distresses of that State, and the liberality with which they had complied with the recommendatory articles, notwithstanding their sufferings might have inspired other dispositions, having pardoned everybody, received everybody, restored all confiscated lands not sold, and the prices of those sold.

SEC. 32. Rhode Island next acted on the British infractions, and imposed modifications in favor of such debtors as should be pursued by their creditors, permitting them to relieve their bodies from execution by the payment of paper money, or delivery of

property. This was the effect of [D. 12.] 1786, March, An act to enable any debtor in jail, on execution at the suit of any creditor, to tender real, or certain specified articles of personal estate; and

[D. 16.] 1786, May, An act making paper money a legal tender. But observe, that this was not till *three years* after the infractions by Great Britain, and repeated and constant refusals of compliance on their part.

SEC. 33. New Jersey did the same thing, by—

[D. 13.] 1786, March 23, An act to direct the modes of proceedings on writs on *fieri facias*, and for transferring lands and chattels for payment of debts; and

[D. 18.] 1786, May 26, An act for striking, and making current £100,000 in bills of credit, to be let out on loan; and

[D. 17.] 1786, June 1, An act for making bills, emitted by the act for raising a revenue of £31,259 5*s*. per annum, for twenty-five years, a legal tender; and

SEC. 34. Georgia, by [D. 19.] 1786, August 14, An act for emitting the sum of £50,000 in bills of credit, and for establishing a fund for the redemption, and for other purposes therein mentioned, made paper money also a legal tender.

These are the only States which appear, by the acts cited in your letter, to have modified the recovery of debts. But I believe that North Carolina also emitted a sum of paper money, and made it a tender in discharge of executions; though, not hav-

ing seen the act, I cannot affirm it with certainty. I have not mentioned, because I do not view the act of Maryland [D. 15.] 1786, Nov. c. 29, for the settlement of public accounts, etc., as a modification of the recovery of debts. It obliged the British subject, before he could recover what was due to him within the State, to give bond for the payment of what he owed therein. It is reasonable that every one, who asks justice, should do justice; and it is usual to consider the property of a foreigner, in any country, as a fund appropriated to the payment of what he owes in that country, exclusively. It is a care which most nations take of their own citizens, not to let the property, which is to answer their demands, be withdrawn from its jurisdiction, and send them to seek it in foreign countries, and before foreign tribunals.

SEC. 35. With respect to the obstacles thus opposed to the British creditor, besides their general justification, as being produced by the previous infractions on the part of Great Britain, each of them admits of a special apology. They are, 1st. Delay of judgment; 2d. Liberating the body from execution, on the delivery of property; 3d. Admitting executions to be discharged in paper money. As to the 1st, let it be considered, that, from the nature of the commerce carried on between these States and Great Britain, they were generally kept in debt; that a great part of the country, and most particularly Georgia, South Carolina, North Caro-

lina, Virginia, New York, and Rhode Island, had been ravaged by an enemy, movable property carried off, houses burnt, lands abandoned, the proprietors forced off into exile and poverty. When the peace permitted them to return again to their lands, naked and desolate as they were, was instant payment practicable? The contrary was so palpable, that, the Bri ish creditors themselves were sensible that were they to rush to judgment immediately against their debtors, it would involve the debtor in total ruin, without relieving the creditor. It is a fact, for which we may appeal to the knowledge of one member at least of the British administration of 1783, that the chairman of the North American merchants, conferring on behalf of those merchants with the American ministers then in London, was so sensible that time was necessary as well to save the creditor as debtor, that he declared there would not be a moment's hesitation, on the part of the creditors, to allow payment by instalments annually for seven years, and that this arrangement was not made, was neither his fault nor ours.

To the necessities for some delay in the payment of debts may be added the British commercial regulations, lessening our means of payment, by prohibiting us from carrying in our own bottoms our own produce to their dominions in our neighborhood, and excluding valuable branches of it from their home markets by prohibitory duties. The means of payment constitute one of the motives to

purchase, at the moment of purchasing. If these means are taken away, by the creditor himself, he ought not in conscience to complain of a mere retardation of his debt, which is the effect of his own act, and the least injurious to those it is capable of producing. The instalment acts before enumerated have been much less general, and for a shorter term than what the chairman of the American merchants thought reasonable. Most of them required the debtor to give security, in the meantime, to his creditor, and provided complete indemnification of the delay by the payment of interest, which was enjoined in every case.

SEC. 36. The second species of obstacle was the admitting the debtor to relieve his body from imprisonment, by the delivery of lands or goods to his creditor. And is this idea original, and peculiar to us? or whence have we taken it? From England, from Europe, from natural right and reason. For it may be safely affirmed, that neither natural right nor reason subjects the body of a man to restraint for debt. It is one of the abuses introduced by commerce and credit, and which even the most commercial nations have been obliged to relax, in certain cases. The Roman law, the principles of which are the nearest to natural reason of those of any municipal code hitherto known, allowed imprisonment of the body in criminal cases only, or those wherein the party had expressly submitted himself to it. The French laws allow it only in criminal or com-

mercial cases. The laws of England, in certain descriptions of cases (as bankruptcy) release the body. Many of the United States do the same in all cases, on a cession of property by the debtor. The *levari facias*, an execution affording only the *profits of lands*, is the only one allowed in England, in certain cases. The *elegit*, another execution of that and this country, attaches first on a man's chattels, which are not to be sold, but to be *delivered to the plaintiff*, on a *reasonable appraisement*, in part of satisfaction for his debt, and if not sufficient, one-half only of his lands are then to be delivered to the plaintiff, till the *profits* shall have satisfied him. The tender laws of these States were generally more favorable than the execution by *elegit*, because they not only gave, as that does, the whole property in chattels, but also *the whole property* in the lands, and not merely the *profits* of them. It is, therefore, an execution framed on the model of the English *elegit*, or rather an amendment of that writ, taking away, indeed, the election of the party against the *body* of his debtor, but giving him, in exchange for it, much more complete remedy against his *lands*. Let it be observed, too, that this proceeding was allowed against citizens, as well as foreigners; and it may be questioned, whether the treaty is not satisfied, while the same measure is dealt out to British subjects, as to foreigners of all other nations, and to natives themselves. For it would seem, that all a friend can expect, is to be treated as a native citizen.

SEC. 37. The third obstacle was the allowing paper money to be paid for goods sold under execution. The complaint on this head is only against Georgia, South Carolina, Jersey, and Rhode Island; and this obstruction, like the two others, sprung out of the peculiar nature of the war; for those will form very false conclusions, who reason, as to this war, from the circumstances which have attended other wars, and other nations. When any nation of Europe is attacked by another, it has neighbors, with whom its accustomary commerce goes on, without interruption; and its commerce with more distant nations is carried on by sea, in foreign bottoms, at least under protection of the laws of neutrality. The produce of its soil can be exchanged for money, as usual, and the stock of that medium of circulation is not at all diminished by war; so that property sells as readily and as well, for real money, at the close, as at the commencement of the war. But how different was our case: on the north and south, were our enemies; on the west, deserts inhabited by savages in league with them; on the east, an ocean of one thousand leagues, beyond which, indeed were nations, who might have purchased the produce of our soil, and have given us real money in exchange, and thus kept up our stock of money, but who were deterred from coming to us by threats of war on the part of our enemies, if they should presume to consider us as a people, entitled to partake the benefit of that law of war,

which allows commerce with neutral nations. What were the consequences? The stock of hard money, which we possessed in an ample degree, at the beginning of the war, soon flowed into Europe for supplies of arms, ammunition, and other necessaries, which we were not in the habit of manufacturing for ourselves. The produce of our soil, attempted to be carried in our own bottoms to Europe, fell, two-thirds of it, into the hands of our enemies, who were masters of the sea; the other third illy sufficed to procure the necessary implements of war; so that no returns of money supplied the place of that which had gone off. We were reduced, then, to the resource of a paper medium, and that completed the exile of the hard money; so that, in the latter stages of the war, we were, for years together, without seeing a single coin of the precious metals in circulation. It was closed with a stipulation that we should pay a large mass of debt, in such coin. If the whole soil of the United States had been offered for sale for ready coin, it would not have raised as much as would have satisfied this stipulation. The thing, then, was impossible, and reason and authority declare, "Si l'empêchement est reel, il faut donner du tems; car nul n'est tenu a l'impossible."[1] Vattel, l. 4, s. 51. We should, with confidence, have referred the case to the arbiter proposed by another jurist, who lays it down that a party, "Non ultra

[1] "If the obstacle be real, time must be given, for no one is bound to an impossibility." Vattel l. 4, s. 51.

obligari, quam in quantum facere potest; et an possit, permittendum alterius principis, quo boni viri arbitrio."[1] Bynk. Q. J. P. l. 2, c. 10. That four of the States should resort, under such circumstances, to very small emissions of paper money, is not wonderful; that all did not, proves their firmness under sufferance, and that they were disposed to bear whatever could be borne, rather than contravene, even by way of equivalent, stipulations which had been authoritatively entered into for them. And even in the four States, which emitted paper money, it was in such small sums, and so secured, as to suffer only a short-lived, and not great depreciation of value; nor did they continue its quality as a tender, after the first paroxysms of distress were over. Here, too, it is to be observed, that natives were to receive this species of payment, equally with British subjects.

So that, when it is considered, that the other party had broken the treaty, from the beginning, and that, too, in points which lessened our ability to pay their debts, it was a proof of the moderation of our nation, to make no other use of the opportunity of retaliation presented to them, than to indulge the debtors with that time for discharging their debts, which their distresses called for, and the interests and the reason of their creditors approved.

[1] "No one is bound beyond what he can do, and whether he can, may be left to the decision of the other prince, as an honest man." Bynk. Q. J. P. l. 2, c. 10.

SEC. 38. It is to be observed, that, during all this time, Congress, who alone posesssed the power of peace and war, of making treaties, and, consequently, of declaring their infractions, had abstained from every public declaration, and had confined itself to the resolution of May 26th, 1783, and to repeated efforts, through their minister plenipotentiary at the court of London, to lead that court into a compliance on their part, and reparation of the breach they had committed. But the other party now laid hold of those very proceedings of our States, which their previous infractions had produced, as a ground for further refusal; and inverting the natural order of cause and effect, alleged that these proceedings of ours were the causes of the infractions, which they had committed months and years before. Thus the British minister for foreign affairs, in his answer of February 28th, 1786, to Mr. Adams' memorial, says, "The engagements entered into by treaty ought to be mutual, and equally binding on the respective contracting parties. It would, therefore, be the height of folly, as well as injustice, to suppose one party alone obliged to a strict observance of the public faith, while the other might remain free to deviate from its own engagements, as often as convenience might render such deviation necessary, though at the expense of its own national credit and importance; I flatter myself, however, Sir, that justice will speedily be done to British creditors; and I can assure you, Sir, that whenever America

shall manifest a real intention to fulfil her part of the treaty, Great Britain will not hesitate to prove her sincerity to co-operate in whatever points depend upon her, for carrying every article of it into real and complete effect." Facts will furnish the best commentary on this letter. Let us pursue them.

The Secretary for Foreign Affairs of the United States, by order of Congress, immediately wrote circular letters to the Governors of the several States, dated May 3, 1786, No. 31, to obtain information how far they had complied with the proclamation of January 14th, 1784, and the recommendation accompanying it; and April 13, 1787, Congress, desirous of removing every pretext which might continue to cloak the inexecution of the treaty, wrote a circular letter to the several States, in which, in order to produce more surely the effect desired, they demonstrate that Congress alone possess the right of interpreting, restraining, impeding, or counteracting the operation and execution of treaties, which, on being constitutionally made, become, by the confederation, a part of the law of the land, and, as such, independent of the will and power of the legislatures; that, in this point of view, the State acts, establishing provisions relative to the same objects, and incompatible with it, must be improper; resolving that all such acts now existing ought to be forthwith repealed, as well to prevent their continuing to be regarded as violations of the treaty, as to avoid the disagreeable necessity of dis-

cussing their validity; recommending, in order to obviate all future disputes and questions, that every State, as well those which had passed no such acts as those which had, should pass an act, repealing, in general terms, all acts and parts of acts repugnant to the treaty; and encouraging them to do this, by informing them that they had the strongest assurances that an exact compliance with the treaty on our part, would be followed by a punctual performance of it on the part of Great Britain.

SEC. 39. In consequence of these letters, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Delaware, Maryland, Virginia, and North Carolina, passed the acts Nos. 32, 33, 34, 35, 36, 37, 38, 39, 40. New Jersey and Pennsylvania declared that no law existed with them repugnant to the treaty—see documents Nos. 41, 42, 43. Georgia had no law existing against the treaty. South Carolina, indeed, had a law existing, which subjected all persons, foreign or native, No. 44, to certain modifications of recovery and payment. But the liberality of her conduct on the other points is a proof she would have conformed in this also, had it appeared that the fullest conformity would have moved Great Britain to compliance, and had an express repeal been really necessary.

SEC. 40. For indeed all this was supererogation. It resulted from the instrument of confederation among the States, that treaties made by Congress,

according to the confederation, were superior to the laws of the States. The circular letter of Congress had declared and demonstrated it, and the several States, by their acts and explanations before mentioned, had shown it to be their own sense, as we may safely affirm it to have been the general sense of those, at least, who were of the profession of the law. Besides the proof of this, drawn from the act of confederation itself, the declaration of Congress, and the acts of the States before mentioned, the same principle will be found acknowledged in several of the documents hereto annexed for other purposes. Thus, in Rhode Island, Governor Collins, in his letter, No. 20, says, "The treaty, in all *its absolute parts*, has been fully complied with, and to those parts that are merely *recommendatory* and *depend upon the legislative discretion*, the most candid attention hath been paid." Plainly implying that the *absolute parts* did not *depend upon the legislative discretion*. Mr. Channing, the attorney for the United States in that State, No. 19, speaking of an act passed before the treaty, says, "This act was considered by our courts as *annulled by the treaty of peace*, and subsequent to the ratification thereof no proceedings have been had thereon." The Governor of Connecticut, in his letter, No. 18, says, "The sixth article of the treaty was immediately observed on receiving the same with the proclamation of Congress; the courts of justice adopted it *as a principle of law*. No further prose-

cutions were instituted against any person who came within that article, and all such prosecutions as were then pending were discontinued." Thus, prosecutions going on, under the law of the State, were discontinued, by the treaty operating as a repeal of the law. In Pennsylvania, Mr. Lewis, attorney for the United States, says, in his letter, No. 60, "The judges have, uniformly and without hesitation, declared in favor of the treaty, on the ground of its being the supreme law of the land. On this ground, they have not only discharged attainted traitors from arrest, but have frequently declared that they were entitled by the treaty to protection." The case of the Commonwealth *vs.* Gordon, January, 1788, Dallas' Reports, 233, is a proof of this. In Maryland, in the case of Mildred *vs.* Dorsey, cited in your letter [E. 4.] a law of the State, made during the war, had compelled those who owed debts to British subjects to pay them into the treasury of that State. This had been done by Dorsey, before the date of the treaty; yet the judges of the *State* general court decided that the treaty not only repealed the law for the future, but for the past also, and decreed that the defendant should pay the money over again to the British creditor. In Virginia, Mr. Monroe, one of the Senators of that State in Congress, and a lawyer of eminence, tells us, No. 52, that both court and counsel there avowed the opinion, that the treaty would control any law of the State opposed to it. And the

legislature itself, in an act of October, 1787, c. 36, concerning moneys carried into the public loan office, in payment of British debts, use these expressions: "And whereas it belongs not to the legislature to decide particular questions, of which the judiciary have cognizance, and it is, therefore, unfit for them to determine whether the payments so made into the loan office be good or void between the creditor and debtor." In New York, Mr. Harrison, attorney for the United States in that district, assures us, No. 45, that the act of 1782, of that State, relative to the debts due to persons within the enemy's line, was, immediately after the treaty, restrained *by the superior courts of the State* from operating on British creditors, and that he did not know a single instance to the contrary—a full proof that they considered the treaty as a law of the land, paramount to the law of their State.

SEC. 41. The very case of Rutgers *vs.* Waddington, [E. 8.] which is a subject of complaint in your letter, is a proof that the courts consider the treaty as paramount to the laws of the States. Some parts of your information, as to that case, have been inexact. The State of New York had, during the war, passed an act [C. 16.] declaring that, in any action by the proprietor of a house or tenement against the occupant, for rent or damage, no military order should be a justification; and, May 4, 1784, after the refusal of the British to deliver up the posts in the State of New York, that legislature

revived the same act. [C. 19.] Waddington, a British subject, had occupied a brew-house in New York, belonging to Rutgers, an American, while the British were in possession of New York. During a part of the time he had only permission from the quartermaster general; for another part he had an order of the commanding officer to authorize his possession. After the evacuation of the city, Rutgers, under the authority of this law of the State, brought an action against Waddington for rent and damages, in the Mayor's court of New York. Waddington pleaded the treaty, and the court declared the treaty a justification, in opposition to the law of the State, for that portion of the time authorized by the commanding officer, his authority being competent, and gave judgment for that part in favor of the defendant; but, for the time he held the house under permission of the quartermaster general only, they gave judgment against the defendant, considering the permission of that officer incompetent, according to the regulations of the existing powers. From this part of the judgment the defendant appealed. The first part, however, was an unequivocal decision of the superior authority of the treaty over the law. The latter part could only have been founded in an opinion of the sense of the treaty in that part of the 6th article which declares, "There shall be no future prosecutions against any persons for the part he may have taken in the war, and that no person should, on that account, suffer any future loss or

damage in their property," etc. They must have understood this as only protecting actions which were conformable with the laws and authority existing at the time and place. The tenure of the defendant under the quartermaster general was not so conformable. That under the commanding officer was. Some may think that murders, and other crimes and offences, characterized as such by the authority of the time and place where committed, were meant to be protected by this paragraph of the treaty; and, perhaps, for peace sake, this construction may be the most convenient. The Mayor's court, however, seems to have revolted at it. The defendant appealed, and the question would have been authoritatively decided by the superior court, had not an amicable compromise taken place between the parties. See Mr. Hamilton's statement of this case, No. 46.

SEC. 42. The same kind of doubt brought on the arrest of John Smith Hatfield in New Jersey, whose case [E. 9.] is another ground of complaint in your letter. A refugee, sent out by the British as a spy, was taken within the American lines, regularly tried by a court martial, found guilty, and executed. There was one Ball, an inhabitant of the American part of Jersey, who, contrary to the laws of his country, was in the habit of secretly supplying the British camp in Staten Island with provisions. The first time Ball went over, after the execution of the spy, of which it does not appear he had any knowl-

edge, and certainly no agency in his prosecution, John Smith Hatfield, a refugee also from Jersey, and some others of the same description, seized him, against the express orders of the British commanding officer, brought him out of the British lines, and Hatfield hung him with his own hands. The British officer sent a message to the Americans, disavowing this act, declaring that the British had nothing to do with it, and that those who had perpetrated the crime ought alone to suffer for it. The right to punish the guilty individual seems to have been yielded by the one party, and accepted by the other, in exchange for that of retaliation on an innocent person; an exchange which humanity would wish to see habitual. The criminal came afterwards into the very neighborhood, a member of which he had murdered. Peace, indeed, had now been made; but the magistrate, thinking probably, that it was for the honest soldier and citizen only, and not for the murderer, and supposing, with the Mayor's court of New York, that the paragraph of the treaty against future prosecutions meant to cover authorized acts only, and not murders and other atrocities, disavowed by the existing authority, arrested Hatfield. At the court which met for his trial, the witnesses failed to attend. The court released the criminal from confinement, on his giving the security required by law for his appearance at another court. He fled; and you say that, "as his friends doubted the disposition of the court to

determine according to the terms of the treaty, they thought it more prudent to suffer the forfeiture of the recognizances, than to put his life again into jeopardy." But your information in this, Sir, has not been exact. The recognizances are not forfeited. His friends, confident in the opinion of their counsel, and the integrity of the judges, have determined to plead the treaty, and not even give themselves the trouble of asking a release from the legislature; and the case is now depending. See the letter of Mr. Boudinot, member of Congress for Jersey, No. 47.

SEC. 43. In Georgia, Judge Walton, in a charge to a grand jury, says, "The State of Rhode Island having acceded to the Federal Constitution, the Union and Government have become complete. To comprehend the extent of the General Government, and to discern the relation between that and those of the States, will be equally our interest and duty. The Constitution, laws, and *treaties* of the Union are *paramount*." And in the same State, in their last federal circuit court, we learn from the public papers, that, in a case wherein the plaintiffs were Brailsford and others, British subjects, whose debts had been sequestered (not confiscated) by an act of the State during the war, the judges declared the treaty of peace a repeal of the act of the State, and gave judgment for the plaintiffs.

SEC. 44. The integrity of those opinions and proceedings of the several courts should have shielded

them from the insinuations hazarded against them. In pages 9 and 10, it is said, "That during the war, the legislatures passed laws to confiscate the estates of the loyalists, to enable debtors to pay into the State treasuries paper money, then exceedingly depreciated, in discharge of their debts." And page 24, "The dispensations of law *by the State courts* have been as unpropitious to the subjects of the crown, as the legislative acts of the different assemblies." Let us compare, if you please, Sir, these unpropitious opinions of our State courts with those of foreign lawyers writing on the same subject. [1] "Quod dixi de actionibus recto publicandis ita demum obtinet; si quod subditi nostri hostibus nostris debent, princeps a subditis suis revera exegerit. Si exegerit, recte solutum est, si non exegerit, pace facta, reviviscit jus pristinum creditoris; secundum, hæc inter gentes fere convenit, ut nominibus bello publicatis, pace deinde facta, exacta censeantur periisse, et maneant extincta; non autem exacta reviviscant et restiuantur veris creditoribus." Bynk. Q. J. P. l. 1, c. 7. But what said the judges of the State court of Maryland in the case of Mildred and

[1] "What I have said of things in action being rightly confiscated hold thus: If the prince really exacts from his subjects what they owed to our enemies, if he shall have exacted it, it is rightfully paid, if he shall not have exacted it, peace being made, the former right of the creditor revives; accordingly, it is for the most part agreed among nations, that things in action being confiscated in war, the peace being made, those which were paid are deemed to have perished and remain extinct; but those not paid, revive, and are restored to their true creditors."—Bynk. Q. J. P. l. 1, c. 7.

Dorsey? That a debt forced from an American debtor into the treasury of his sovereign, is not extinct, but shall be paid over again to his British creditor. Which is most propitious, the unbiased foreign jurist, or the American judge, charged with dispensing justice with favor and partiality? But from this, you say, there is an appeal. Is that the fault of the judge, or the fault of anybody? Is there a country on earth, or ought there to be one, allowing no appeal from the first errors of their courts? and if allowed from errors, how will those from just judgments be prevented? In England, as in other countries, an appeal is admitted to the party thinking himself injured; and here, had the judgment been against the British creditor, and an appeal denied, there would have been better cause of complaint than for not having denied it to his adversary. If an *illegal* judgment be ultimately rendered on the appeal, then will arise the right to question its propriety.

SEC. 45. Again it is said, page 34, "In one State the *supreme federal court* has thought proper to suspend for many months the final judgment on an action of debt, brought by a British creditor." If by *the supreme federal court* be meant *the supreme court of the United States*, I have had their records examined, in order to know what may be the case here alluded to; and I am authorized to say, there neither does, nor ever did exist any cause before that court, between a British subject and a citizen

of the United States. See the certificate of the clerk of the court, No. 48. If by *the supreme federal court* be meant *one of the circuit courts of the United States*, then which circuit, in which State, and what case is meant? In the course of inquiries I have been obliged to make, to find whether there exists any case, in any district of any circuit court of the United States, which might have given rise to this complaint, I have learnt, that an action was brought to issue, and argued in the circuit court of the United States, in Virginia, at their last term, between Jones, a British subject, plaintiff, and Walker, an American, defendant; wherein the question was the same as in the case of Mildred and Dorsey, to wit: Whether a payment into the treasury, during the war, under a law of the State, discharged the debtor? One of the judges retiring from court, in the midst of the argument, on the accident of the death of an only son, and the case being *primæ impressionis* in that court, it was adjourned, for consideration, till the ensuing term. Had the two remaining judges felt no motive but of predilection to one of the parties; had they considered only to which party their wishes were propitious or unpropitious; they possibly might have decided that question on the spot. But, learned enough in their science to see difficulties which escape others, and having characters and consciences to satisfy, they followed the example so habitually and so laudably set by the courts of your country, and of every country, where law, and

not favor, is the rule of decision, of taking time to consider. Time and consideration are favorable to the right cause, precipitation to the wrong one.

SEC. 46. You say again, p. 29, "The few attempts to recover British debts, in the courts of Virginia, have *universally* failed, and these are the courts wherein, from the smallness of the sum, a considerable number of debts can only be recovered." Again, p. 34, "In the same State, county courts (which alone can take cognizance of debts of limited amount) have *uniformly rejected* all suits instituted for the recovery of sums due to the subjects of the crown of Great Britain." In the first place, the county courts, till of late, have had exclusive jurisdiction only of sums below 10*l.*, and it is known, that a very inconsiderable proportion of the British debt consists in demands below that sum. A late law, we are told, requires, that actions below 30*l.* shall be commenced in those courts; but allows, at the same time, an appeal to correct any errors into which they may fall. In the second place, the evidence of gentlemen who are in the way of knowing the fact, No. 52, 53, is, that though there have been accidental checks in some of the subordinate courts, arising from the chicanery of the debtors, and sometimes, perhaps, a moment of error in the court itself, yet these particular instances have been immediately rectified, either in the same or the superior court, while the great mass of suits for the recovery of sums due to the subjects of the crown

of Great Britain, have been uniformly sustained to judgment and execution.

SEC. 47. A much broader assertion is hazarded, page 29. "In some of the Southern States, there does not exist a single instance of the recovery of British debt in their courts, though many years have expired since the establishment of peace between the two countries." The particular States are not specified. I have therefore thought it my duty to extend my inquiries to all the States which could be designated under the description of Southern, to wit: Maryland, and those to the south of that.

As to Maryland, the joint certificate of the Senators and delegates of the State in Congress, the letter of Mr. Tilghman, a gentleman of the law in the same State, and that of Mr. Gwinn, clerk of their general court, prove that British suits have been maintained in the superior and inferior courts throughout the State without any obstruction; that British claimants have, in every instance, enjoyed every facility in the tribunals of justice equally with their own citizens; and have recovered in due course of law, and remitted large debts, as well under contracts previous, as subsequent to the war.

In Virginia, the letters of Mr. Monroe and Mr. Giles, members of Congress from that State, and lawyers of eminence in it, prove that the courts of law in that State have been open and freely resorted to by the British creditors, who have recovered and levied their moneys without obstruction; for we

have no right to consider as obstructions the dilatory pleas of here and there a debtor, distressed perhaps for time, or even an accidental error of opinion in a subordinate court, when such pleas have been overruled, and such errors corrected in a due course of proceeding marked out by the laws in such cases. The general fact suffices to show that the assertion under examination cannot be applied to this State.

In North Carolina, Mr. Johnston, one of the Senators of that State, tells us he has heard indeed but of few suits brought by British creditors in that State; but that he never heard that any one had failed of a recovery because he was a British subject; and he names a particular case, of Elmesly *v.* Lee's executors, "of the recovery of a British debt in the superior court at Edenton." See Mr. Johnston's letter, No. 54.

In South Carolina, we learn, from No. 55, of particular judgments rendered, and prosecutions carried on, without obstacle, by British creditors, and that the courts are open to them there as elsewhere. As to the modifications of the execution heretofore made by the State law having been the same for foreigner and citizen, a court would decide whether the treaty is satisfied by this equal measure; and if the British creditor is privileged by that against even the same modifications to which citizens and foreigners of all other nations were equally subjected, then the law imposing them was a mere nullity.

In Georgia, the letter of the Senators and Representatives in Congress, No. 56, assures us that, though they do not know of any recovery of a British debt, in their State, neither do they know of a denial to recover since the ratification of the treaty, the creditors having mostly preferred amicable settlement; and that the federal court is as open and unobstructed to British creditors there, as in any other of the United States; and this is further proved by the late recovery of Brailsford and others, before cited.

SEC. 48. You say more particularly of that State, page 25, "It is to be lamented, that, in a more distant State, (Georgia) it was a received principle, inculcated by an opinion of the highest judicial authority there, that as no legislative act of the State ever existed, confirming the treaty of peace with Great Britain, war still continued between the two countries—*a principle which may perhaps still continue in that State.*" No judge, no case, no time, is named. Imputations on the judiciary of a country are too serious to be neglected. I have thought it my duty, therefore, to spare no endeavors to find on what fact this censure was meant to be affixed. I have found that Judge Walton of Georgia, in the summer of 1783, the definitive treaty not yet signed in Europe, much less known and ratified here, set aside a writ in the case of Thompson, (a British subject) *v.* Thompson, assigning for reasons, 1st. "That there was no law authorizing a subject of England

to sue a citizen of that State; 2d. That the war had not been *definitively* concluded; or 3d. If concluded, the treaty not *known to, or ratified by*, the legislature; nor 4th. Was it in any manner ascertained how those debts were to be liquidated." With respect to the last reason, it was generally expected that some more specific arrangements, as to the manner of liquidating and times of paying British debts would have been settled in the definitive treaty. No. 58 shows, that such arrangements were under contemplation. And the judge seems to have been of opinion that it was necessary the treaty should be *definitively* concluded, before it could become a law of the land, so as to change the legal character of an *alien enemy*, who cannot maintain an action, into that of an *alien friend*, who may. Without entering into the question, whether, between the provisional and definitive treaties, a subject of either party could maintain an action in the courts of the other (a question of no consequence, considering how short the interval was, and this, probably the only action essayed), we must admit that, if the judge was right in his opinion, that a *definitive* conclusion was necessary, he was right in his consequence that it should be *made known* to the legislature of the State, or, in other words, to the State; and that, till that *notification*, it was not a law authorizing a subject of England to sue a citizen of that State. The subsequent doctrine of the same judge, Walton, with respect to the treaties,

when duly completed, that they are paramount to the laws of the several States, as has been seen in this charge to a grand jury, before spoken of, (Sec. 43,) will relieve your doubts whether the "principle still continues in that State, of the *continuance of war between the two countries.*"

SEC. 49. The latter part of the quotation before made, merits notice also, to wit, where, after saying not a single instance exists of the recovery of a British debt, it is added, "though many years have expired since the establishment of peace between the two countries." It is evident from the preceding testimony, that many suits have been brought, and with effect; yet it has often been matter of surprise that more were not brought, and earlier, since it is most certain that the courts would have sustained their actions and given them judgments. This abstinence on the part of the creditors has excited a suspicion that they wished rather to recur to the treasury of their own country; and to have color for this, they would have it believed that there were obstructions here to bringing their suits. Their testimony is in fact the sole, to which your court till now, has given access. Had the opportunity now presented been given us sooner, they should sooner have known that the courts of the United States, whenever the creditors would choose that recourse, and would press, if necessary, to the highest tribunals, would be found as open to their suits, and as impartial to their subjects, as theirs to ours.

SEC. 50. There is an expression in your letter, page 7, that "British creditors have not been countenanced or supported, either by the respective legislatures, or by the State courts, in their endeavors to recover the full value of debts contracted antecedently to the treaty of peace." And again, in p. 8, "In many of the States, the subjects of the crown in endeavoring to obtain the restitution of their forfeited estates and property, have been treated with indignity." From which an inference might be drawn, which I am sure you did not intend, to wit: that the creditors have been deterred from resorting to the courts by popular tumults, and not protected by the laws of the country. I recollect to have heard of one or two attempts, by popular collections, to deter the prosecution of British claims. One of these is mentioned in No. 49. But these were immediately on the close of the war, while its passions had not yet had time to subside, and while the ashes of our houses were still smoking. Since that, say for many years past, nothing like popular interposition, on this subject, has been heard of in any part of our land. There is no country, which is not sometimes subject to irregular interpositions of the people. There is no country able, at all times, to punish them. There is no country which has less of this to reproach itself with, than the United States, nor any, where the laws have more regular course, or are more habitually and cheerfully acquiesced in. Confident that your own observation

and information will have satisfied you of this truth, I rely that the inference was not intended, which seems to result from these expressions.

SEC. 51. Some notice is to be taken, as to the great deficiencies in collection urged on behalf of the British merchants. The course of our commerce with Great Britain was ever for the merchant there to give his correspondent here a year's credit; so that we were regularly indebted from a year to a year and a half's amount of our exports. It is the opinion of judicious merchants, that it never exceeded the latter term, and that it did not exceed the former at the commencement of the war. Let the holders then of this debt be classed into, 1st. Those who were insolvent at that time. 2d. Those solvent then, who became insolvent during the operations of the war—a numerous class. 3d. Those solvent at the close of the war, but insolvent now. 4th. Those solvent at the close of the war, who have since paid or settled satisfactorily with their creditors—a numerous class also. 5th. Those solvent then and now, who have neither paid, nor made satisfactory arrangements with their creditors. This last class, the only one now in question, is little numerous, and the amount of their debts but a moderate proportion of the aggregate which was due at the commencement of the war; insomuch, that it is the opinion, that we do not owe to Great Britain, at this moment, of separate debts, old and new, more than a year, or a year and a quarter's

exports, the ordinary amount of the debt resulting from the common course of dealings.

SEC. 52. In drawing a comparison between the proceedings of Great Britain and the United States, you say, page 35, "The conduct of Great Britain, in all these respects, has been widely different from that which has been observed by the United States. In the courts of law of the former country, the citizens of the United States have experienced, *without exception*, the same protection and *impartial* distribution of justice, as the subjects of the crown." No nation can answer for perfect exactitude of proceedings in all their inferior courts. It suffices to provide a supreme judicature, where all error and partiality will be ultimately corrected. With this qualification, we have heretofore been in the habit of considering the administration of justice in Great Britain as extremely pure. With the same qualification, we have no fear to risk everything which a nation holds dear, on the assertion, that the administration of justice here will be found equally pure. When the citizens of either party complain of the judiciary proceedings of the other, they naturally present but one side of the case to view, and are, therefore, to be listened to with caution. Numerous condemnations have taken place in your courts of vessels taken from us after the expirations of the terms of one and two months stipulated in the armistice. The State of Maryland has been making ineffectual efforts, for nine years, to recover a sum

of £55,000 sterling, lodged in the Bank of England previous to the war. A judge of the King's bench lately declared, in the case of Greene, an American citizen, *v.* Buchanan and Charnock, British subjects, that a citizen of the United States, who had delivered £43,000 sterling worth of East India goods to a British subject at Ostend, receiving only £18,000 in part payment, is not entitled to maintain an action for the balance in a court of Great Britain, though his debtor is found there, is in custody of the court, and acknowledges the fact. These cases appear strong to us. If your judges have done wrong in them, we expect redress. If right, we expect explanations. Some of them have already been laid before your court. The others will be so in due time. These, and such as these, are the smaller matters between the two nations, which, in my letter of December 15th, I had the honor to intimate, that it would be better to refer for settlement through the ordinary channel of our ministers, than embarrass the present important discussions with them. Such cases will be constantly produced by a collision of interests in the dealings of individuals, and will be easily adjusted by a readiness to do right on both sides, regardless of party.

SEC. 53. III. It is made an objection to the proceedings of our legislative and judiciary bodies, that they have refused to allow interest to run on debts during the course of the war. The decision of the right to this rests with the judiciary alone,

neither the legislative nor the executive having any authority to intermeddle.

The administration of justice is a branch of the sovereignty over a country, and belongs exclusively to the nation inhabiting it. No foreign power can pretend to participate in their jurisdiction, or that their citizens received there are not subject to it. When a cause has been adjudged according to the rules and forms of the country, its justice ought to be presumed. Even error in the highest court which has been provided as the last means of correcting the errors of others, and whose decrees are, therefore, subject to no further revisal, is one of those inconveniences flowing from the imperfection of our faculties, to which every society must submit; because there must be somewhere a last resort, wherein contestations may end. Multiply bodies of revisal as you please, their number must still be finite, and they must finish in the hands of fallible men as judges. If the error be evident, palpable, [1]et in re minime dubiâ, it then, indeed, assumes another form; it excites presumption that it was not mere error, but premeditated wrong; and the foreigner, as well as native, suffering by the wrong, may reasonably complain, as for a wrong committed in any other way. In such case, there being no redress in the ordinary forms of the country, a foreign prince may listen to complaint from his subjects injured by the adjudication, may inquire into

[1] In a matter susceptible of no doubt.

its principles to prove their criminality, and, according to the magnitude of the wrong, take his measures of redress by reprisal, or by a refusal of right on his part. If the denial of interest, in our case, be justified by law, or even if it be against law, but not in that gross, evident, and palpable degree, which proves it to flow from the wickedness of the heart, and not error of the head in the judges, then is it no cause for just complaint, much less for a refusal of right, or self-redress in any other way. The reasons on which the denial of interest is grounded shall be stated summarily, yet sufficiently to justify the integrity of the judge, and even to produce a presumption that they might be extended to that of his science also, were that material to the present object.

SEC. 54. The treaty is the text of the law in the present case, and its words are, that there shall be no lawful impediment to the recovery of bona fide *debts*. Nothing is said of *interest* on these debts; and the sole question is, whether, where a *debt* is given, *interest* thereon flows from the general principles of the law? Interest is not a part of the debt, but something added to the debt by way of damage for the detention of it. This is the definition of the English lawyers themselves, who say, "Interest is recovered by way of *damages* ratione detentionis debiti."[1] 2 Salk. 622, 623. Formerly, all interest was considered as unlawful, in every country of Europe; it is still so in Roman Catholic countries,

[1] On account of the detention of the debt.

and countries little commercial. From this, as a general rule, a few special cases are excepted. In France, particularly, the exceptions are those of minors, marriage portions, and money, the price of lands. So thoroughly do their laws condemn the allowance of interest, that a party who has paid it voluntarily, may recover it back again whenever he pleases Yet this has never been taken up as a gross and flagrant denial of justice, authorizing national complaint against those governments. In England, also, all interest was against law, till the stat. 37 H. 8, c. 9. The growing spirit of commerce, no longer restrained by the principles of the Roman church, then first began to tolerate it. The same causes produced the same effect in Holland, and, perhaps, in some other commercial and Catholic countries. But, even in England, the allowance of interest is not given by *express law*, but rests on the *discretion of judges and juries*, as the arbiters of damages. Sometimes the judge has enlarged the interest to 20 per cent. per annum. [1 Chanc. Rep. 57.] In other cases, he fixes it, habitually, one per cent. lower than the legal rate, [2 T. Atk. 343,] and in a multitude of cases he refuses it altogether. As, for instance, no interest is allowed—

1. On arrears of rents, profits, or annuities. 1 Chan. Rep. 184, 2 P. W. 163. Ca. temp. Talbot 2.

2. For maintenance. Vin. Abr. Interest. c. 10.

3. For moneys advanced by executors. 2 Abr. Eq. 531, 15.

4. For goods sold and delivered. 3 Wilson, 206.

5. On book debts, open accounts, or simple contracts. 3 Ch. Rep. 64. Freem. Ch. Rep. 133. Dougl. 376.

6. For money lent without a note. 2 Stra. 910.

7. On an inland bill of exchange, if no protest is taken. 2 Stra. 910.

8. On a bond after 20 years. 2 Vern. 458, or after a tender.

9. On decrees in certain cases. Freem. Ch. Rep. 181.

10. On judgments in certain cases, as battery and slander. Freem. Ch. Rep. 37.

11. On any decrees or judgments in certain courts, as the exchequer chamber. Douglass, 752.

12. On costs. 2 Abr. Eq. 530, 7.

And we may add, once for all, that there is no instrument or title to debt, so formal and sacred, as to give a right to interest on it, under all possible circumstances—the words of Lord Mansfield, Dougl. 753, where he says: "That the question was, what was to be the rule for assessing the *damage*, and that, in this case, the *interest* ought to be the *measure of the damage*, the action being for a *debt*, but that, in a case of another sort, *the rule might be different:*" his words, Dougl. 376, "That interest might be payable in cases of delay, if a jury, *in their discretion*, shall think fit to allow it." And the doctrine in Giles *v.* Hart, 2 Salk. 622, that damages, or interest, are but an accessary to the debt, which may be

barred by circumstances, which do not touch the debt itself, suffice to prove that interest is not a part of the debt, neither comprehended in the thing, nor in the term; that words, which pass the debt, do not give interest necessarily; that the interest *depends altogether on the discretion of the judges and jurors*, who will govern themselves by all existing circumstances, will take the legal interest for the measure of their damages, or more or less, as they think right; will give it from the date of the contract, or from a year after, or deny it altogether, according as the fault or the sufferings of the one or the other party shall dictate. Our laws are, generally, an adoption of yours, and I do not know that any of the States have changed them in this particular. But there is one rule of your and our law, which, while it proves that every title of debt is liable to a disallowance of interest under special circumstances, is so applicable to our case, that I shall cite it as a text, and apply it to the circumstances of our case. It is laid down in Vin. Abr. Interest. c. 7, and 2 Abr. Eq. 5293, and elsewhere, in these words: "Where, by a *general and national calamity*, nothing is made out of lands which are assigned for payment of interest, it ought not to run on *during the time of such calamity.*" This is exactly the case in question. Can a more *general national calamity* be conceived, than that universal devastation which took place in many of these States during war? Was it ever more

exactly the case anywhere, *that nothing was made out of the lands which were to pay the interest?* The produce of those lands, for want of the opportunity of exporting it safely, was down to almost nothing in real money, e. g. tobacco was less than a dollar the hundred weight. Imported articles of clothing or consumption were from four to eight times their usual price. A bushel of salt was usually sold for 100 lbs. of tobacco. At the same time, these lands, and other property, in which the money of the British creditor was vested, were paying high taxes for their own protection, and the debtor, as nominal holder, stood ultimate insurer of their value to the creditor, who was the real proprietor, because they were bought with his money. And who will estimate the value of this insurance, or say what would have been the forfeit, in a contrary event of the war? Who will say that the risk of the property was not worth the interest of its price? *General calamity*, then, prevented profit, and, consequently, stopped interest, which is in lieu of profit. The creditor says, indeed, he has lain out of his money; he has therefore lost the use of it. The debtor replies, that, if the creditor has lost, he has not gained it; that this may be a question between two parties, both of whom have lost. In that case, the courts will not double the loss of the one, to save all loss from the other. That it is a rule of natural as well as municipal law, that in questions "de damno evitando melior est conditio possiden-

tis." If this maxim be just, where each party is equally innocent, how much more so, where the loss has been produced by the act of the creditor? For, a nation, as a society, forms a moral person, and every member of it is personally responsible for his society. It was the act of the lender, or of his nation, which annihilated the profits of the money lent; he cannot then demand profits which he either prevented from coming into existence, or burnt, or otherwise destroyed, after they were produced. If, then, there be no instrument, or title of debt so formal and sacred as to give right to interest under all possible circumstances, and if circumstances of exemption, stronger than in the present case, cannot possibly be found, then no instrument or title of debt, however formal or sacred, can give right to interest under the circumstances of our case. Let us present the question in another point of view. Your own law forbade the payment of interest, when it forbade the receipt of American produce into Great Britain, and made that produce fair prize on its way from the debtor to the creditor, or to any other, for his use of reimbursement. All personal access between creditor and debtor was made illegal; and the debtor, who endeavored to make a remitment of his debt, or interest, must have done it three times, to answer its getting once to hand; for two out of three vessels were generally taken by the creditor nation, and, sometimes, by the creditor himself, as many of them turned their

trading vessels into privateers. Where no place has been agreed on for the payment of a debt, the laws of England oblige the debtor to seek his creditor wheresoever he is to be found *within the realm*— Coke Lit. 210, b., but do not bind him to go out of the realm in search of him. This is our law too. The first act, generally, of the creditors and their agents here, was, to withdraw from the United States with their books and papers. The creditor thus withdrawing from his debtor, so as to render payment impossible, either of the principal or interest makes it like the common case of a tender and refusal of money, after which, interest stops, both by your laws and ours. We see, too, from the letter of Mr. Adams, June 16, 1786, No. 57, that the British Secretary for Foreign Affairs was sensible that a British statute, having rendered criminal all intercourse between the debtor and creditor, had placed the article of interest on a different footing from the principal. And the letter of our plenipotentiaries to Mr. Hartley, the British plenipotentiary, for forming the definitive treaty, No. 58, shows, that the omission to express *interest* in the treaty, was not merely an oversight of the parties; that its allowance was considered by our plenipotentiaries as a thing not to be intended in the treaty, was declared against by Congress, and that declaration communicated to Mr. Hartley. After such an explanation, the omission is a proof of acquiescence, and an intention not to claim it. It appears,

then, that the *debt* and *interest* on that debt are separate things in every country, and under separate rules. That, in every country, a *debt* is recoverable, while, in most countries, interest is refused in all cases; in others, given or refused, diminished or augmented, at the discretion of the judge; nowhere given in all cases indiscriminately, and consequently nowhere so incorporated with the *debt* as to pass with that, *ex vi termini*, or otherwise to be considered as a determinate and *vestat* thing.

While the taking *interest on money* has thus been considered, in some countries, as morally wrong in all cases, in others made legally right but in particular cases, the taking *profits from lands*, or rents in lieu of profits, has been allowed everywhere, and at all times, both in morality and law. Hence it is laid down as a general rule, Wolf, s. 229, "Si quis fundum alienum possidet, domini est quantum valet usas fundi, et possessoris quantum valet ejus cultura et cura."[1] But even in the case of lands restored by a treaty, the *arrears* of profits or rents are never restored, unless they be particularly stipulated. "Si res vi pacis restituendæ, restituendi quoque sunt fructus a die *concessionis*,"[2] says Wolf, s. 1224; and Grotius, "cui pace res conceditur, ei et fructus conceduntur à *tempore concessionis:* NON

[1] "If any one is in possession of another's land, so much belongs to the owner as the use of the land is worth, and so much to the possessor as his labor and care are worth."

[2] "If things are to be restored by virtue of the peace, the profits are also to be restored *from the day of the cession.*"

RETRO."[1] l. 3, c. 20, s. 22. To place the right to interest on money on a level with the right to profits on land, is placing it more advantageously than has been hitherto authorized; and if, as we have seen, a stipulation to restore lands does not include a stipulation to restore the *back profits*, we may certainly conclude, *a fortiori*, that the restitution of debts does not include an allowance of *back interest* on them.

These reasons, and others like these, have probably operated on the different courts to produce decisions, that "no interest should run during the time this general and national calamity lasted;" and they seem sufficient at least to rescue their decisions from that flagrant denial of right, which can alone authorize one nation to come forward with complaints against the judiciary proceedings of another.

SEC. 55. The States have been uniform in the allowance of interest before and since the war, but not of that claimed during the war. Thus we know by [E. 1.] the case of Neate's executors *v.* Sands, in New York, and Mildred *v.* Dorsey, in Maryland, that in those States interest during the war is disallowed by the courts. By [D. 8.] 1784, May, the act relating to debts due to persons who have been, and remained within the enemy's power or lines during the late war. That Connecticut left

[1] "To whomsoever a thing is conceded by the peace, to him also the profits are conceded, *from the time of the concession*, BUT NOT BACK."

it to their Court of Chancery to determine the matter according to the rules of equity, or to leave it to referees; by [E. 2.] the case of Osborn *v.* Mifflin's executors, and [E. 3.] Hare *v.* Allen, explained in the letter of Mr. Rawle, attorney of the United States, No. 59. And by the letter of Mr. Lewis, judge of the district court of the United States, No. 60, that in Pennsylvania the rule is, that where neither the creditor nor any agent was within the State, no interest was allowed; where either remained, they gave interest. In all the other States, I believe it is left discretionary in the courts and juries. In Massachusetts the practice has varied. In November, 1784, they instruct their Delegates in Congress to ask the determination of Congress, whether they understood the word "debts" in the treaty as including interest? and whether it is their opinion, that interest during the war should be paid? and at the same time they pass [D. 9.] the act directing the courts to suspend rendering judgment for any interest that might have accrued between April 19, 1775, and January 20, 1783. But in 1787, when there was a general compliance enacted through all the United States, in order to see if that would produce a counter compliance, their legislature passed the act repealing all laws repugnant to the treaty, No. 33, and their courts, on their part, changed their rule relative to interest during the war, which they have uniformly allowed since that time. The Circuit Court of the United States, at

their sessions at ———, in 1790, determined in like manner that interest should be allowed during the war. So that, on the whole, we see that, in one State interest during the war is given in every case; in another it is given wherever the creditor, or any agent for him, remained in the country, so as to be accessible; in the others, it is left to the courts and juries to decide according to their discretion and the circumstances of the case.

TO RECAPITULATE.

SEC. 56. I have, by way of preliminary, placed out of the present discussion all acts and proceedings prior to the treaty of peace, considering them as settled by that instrument, and that the then state of things was adopted by the parties, with such alterations only as that instrument provided.

I have then taken up the subsequent acts and proceedings, of which you complain as infractions, distributing them according to their subjects, to wit·

I. Exile and confiscations.
II. Debts.
III. Interest.

I. Exile and confiscations.

After premising, that these are lawful acts of war, I have shown that the 5th article was *recommendatory* only, its stipulations being, not to *restore* the confiscations and exiles, but to *recommend* to the State legislatures to restore them:

That this word, having but one meaning, establishes the intent of the parties; and moreover, that it was particularly explained by the American negotiators, that the legislatures would be free to comply with the recommendation or not, and probably would not comply:

That the British *negotiators* so understood it:

That the British *ministry* so understood it:

And the members of both Houses of *Parliament*, as well those who approved, as who disapproved the article.

I have shown, that Congress did recommend, earnestly and *bona fide:*

That the States refused or complied, in a greater or less degree, according to circumstances, but more of them, and in a greater degree than was expected:

And that compensation, by the British treasury, to British sufferers, was the alternative of her own choice, our negotiators having offered to do that, if she would compensate such losses as we had sustained by acts authorized by the modern and moderate principles of war.

II. Before entering on the subject of debts, it was necessary—

1st. To review the British infractions, and refer them to their exact dates.

To show that the carrying away of the negroes preceded the 6th of May, 1783.

That instead of evacuating the *upper posts with all convenient speed*, no order had been received for the evacuation, August 13, 1783.

None had been received May 10, 1784.
None had been received July 13, 1784.
From whence I conclude none had ever been *given*,
And thence, that none had ever been *intended*.

In the latter case, this infraction would date from the signature of the treaty. But founding it on the *not giving the order with convenient speed*, it dates from April, 1783, when the order for evacuating New York was given, as there can be no reason why it should have been inconvenient to give this order as early.

The infraction, then, respecting the upper posts, was before the treaty was known in America.

That respecting the negroes, was as soon as it was known.

I have observed that these infractions were highly injurious.

The first, by depriving us of our fur trade, profitable in itself, and valuable as a means of remittance for paying the debts; by intercepting our friendly and neighborly intercourse with the Indian nations, and consequently keeping us in constant, expensive, and barbarous war with them.

The second, by withdrawing the cultivators of the soil, the produce of which was to pay the debts.

2d. After fixing the date of the British infractions, I have shown,

That, as they *preceded*, so they *produced* the acts on our part complained of, as obstacles to the recovery of the debts.

That when one party breaks any stipulation of a treaty, the other is free to break it also, either in the whole, or in equivalent parts, at its pleasure.

That Congress having made no elections,

Four of the States assumed, separately, to modify the recovery of debts—

1. By indulging their citizens with longer and more practicable times of payment.

2. By liberating their bodies from execution, on their delivering property to the creditor, to the full amount of his demand, on a fair appraisement, as practised always under the elegit.

3. By admitting, during the first moments of the non-existence of coin among us, a discharge of executions by payment in paper money.

The first of these acts of retaliation, was in December, 1783, nine months after the infractions committed by the other party.

And all of them were so moderate, of so short duration, the result of such necessities, and so produced, that we might, with confidence, have referred them, *alterius principis, quo boni viri, arbitrio.*

3. That induced, at length, by assurances from the British court, that they would concur in a fulfilment of the treaty,

Congress, in 1787, declared to the States its will, that even the appearance of obstacle, raised by their acts, should no longer continue;

And required a formal repeal of every act of that nature; and to avoid question, required it as well

from those who had not, as from those who had passed such acts; which was complied with so fully, that no such laws remained in any State of the Union, except one;

And even that one could not have forborne, if any symptoms of compliance from the opposite party had rendered a reiterated requisition from Congress important.

4. That, indeed, the requiring such a repeal, was only to take away pretext:

For, that it was at all times perfectly understood, that treaties controlled the laws of the States—

The confederation having made them obligatory on the whole:

Congress having so declared and demonstrated them:

The legislatures and executives of most of the States having admitted it:

And the judiciaries, both of the separate and General Governments, so deciding.

That the courts are open everywhere upon this principle:

That the British creditors have, for some time, been in the habit and course of recovering their debts at law:

That the class of separate and unsettled debts contracted before the war, forms now but a small proportion of the original amount:

That the integrity and independence of the courts of justice in the United States, are liable to no reproach:

Nor have popular tumults furnished any ground for suggesting, that either courts or creditors are overawed by them in their proceedings.

III. Proceeding to the article of interest, I have observed:

That the decision, whether it shall or shall not be allowed *during the war*, rests, by our Constitution, with the courts altogether.

That if these have generally decided against the allowance, the reasons of their decisions appear so weighty, as to clear them from the charge of that palpable degree of wrong, which may authorize national complaint, or give a right of refusing execution of the treaty, by way of reprisal.

To vindicate them, I have stated shortly, some of the reasons which support their opinion.

That interest during the war, was not *expressly* given by the treaty:

That the revival of debts did not, *ex vi termini*, give interest on them:

That interest is not a part of the debt, but damages for the detention of the debt:

That it is disallowed habitually in most countries;

Yet has never been deemed a ground of national complaint against them:

That in England also, it was formerly unlawful in all cases:

That at this day it is denied there, in such a variety of instances, as to protect from it a great part of the transactions of life:

That, in fact, there is not a single *title* to debt, so formal and sacred, as to give a right to interest, under all possible circumstances, either there or here:

That of these circumstances, judges and jurors are to decide, *in their discretion*, and are accordingly in the habit of augmenting, diminishing, or refusing interest, in every case, according to their discretion:

That the circumstances against the allowance, are unquestionably of the strongest in our case:

That a *great national calamity* rendering the lands unproductive, which were to pay the interest, has been adjudged a sufficient cause of itself, to suspend interest:

That, were both plaintiff and defendant equally innocent of that cause,

The question, who should avoid loss? would be in favor of the party in possession:

And, *a fortiori*, in his favor, where the calamity was produced by the act of the demandant.

That, moreover, the laws of the party creditor had cut off the *personal* access of his debtor,

And the transportation of his *produce or money* to the country of the creditor, or to any other for him:

And where the creditor prevents payment both of principal and interest, the latter, at least, is justly extinguished.

That the *departure* of the creditor, leaving no agent in the country of the debtor, would have stopped interest of itself,

The debtor not being obliged to go out of the country to seek him.

That the British minister was heretofore sensible of the weight of the objections to the claim of interest:

That the declarations of Congress and our plenipotentiaries, *previous to the definitive treaty*, and the silence of that instrument, afford proof that interest was not intended on our part, nor insisted on, on the other:

That, were we to admit interest on money, to equal favor with profits on land, arrears of profits would not be demandable in the present case, nor consequently arrears of interest:

And, on the whole, without undertaking to say what the law is, which is not the province of the Executive,

We say, that the reasons of those judges, who deny interest during the war, *appear sufficiently cogent*—

To account for their opinion on honest principles:

To exempt it from the charge of palpable and flagrant wrong, *in re minime dubia:*

And to take away all pretence of withholding execution of the treaty, by way of reprisal for that cause.

SEC. 57. I have now, Sir, gone through the several acts and proceedings enumerated in your appendix, as infractions of the treaty, omitting, I believe, not a single one, as may be seen by a table hereto subjoined, wherein every one of them, as marked and

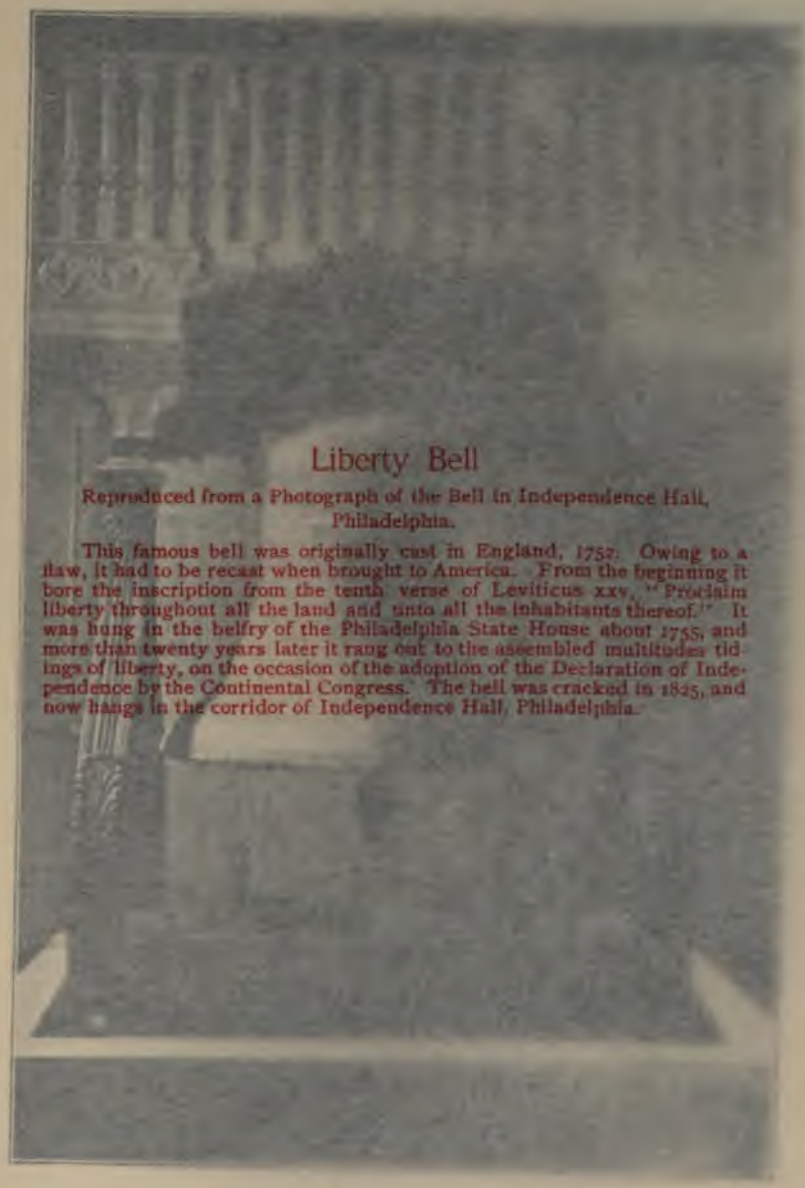
numbered in your appendix, is referred to the section of this letter in which it is brought into view; and the result has been, as you have seen—

1. That there was no absolute stipulation to restore *antecedent* confiscations, and that none *subsequent* took place:

2. That the recovery of the debts was obstructed *validly* in none of our States, *invalidly* only in a few, and that not till long after the infractions committed on the other side; and

3. That the decisions of courts and juries against the claims of interest are too probably founded to give cause for questioning their integrity. These things being evident, I cannot but flatter myself, after the assurances received from you of his Britannic Majesty's desire to remove every occasion of misunderstanding from between us, that an end will now be put to the disquieting situation of the two countries, by as complete execution of the treaty as circumstances render practicable at this late day: that it is to be done so late has been the source of heavy losses, of blood and treasure, to the United States. Still our desire of friendly accommodation is, and has been, constant. No "*lawful impediment* has been opposed to the prosecution of the just rights of your citizens." And if any instances of *unlawful* impediment have existed in any of the inferior tribunals, they would, like other unlawful proceedings, have been overruled on appeal to the higher courts. If not overruled there, a com-

plaint to the government would have been regular, and their interference probably effectual. If your citizens would not prosecute their rights, it was impossible they should recover them, or be denied recovery; and till a denial of right through all the tribunals, there is no ground for complaint, much less for a refusal to comply with solemn stipulations, the execution of which is too important to us ever to be dispensed with. These difficulties being removed from between the two nations, I am persuaded the interests of both will be found in the strictest friendship. The considerations which lead to it are too numerous and forcible to fail of their effect; and that they may be permitted to have their full effect, no one wishes more sincerely than he who has the honor to be, etc.



Liberty Bell

Reproduced from a Photograph of the Bell in Independence Hall, Philadelphia.

This famous bell was originally cast in England, 1752. Owing to a flaw, it had to be recast when brought to America. From the beginning it bore the inscription from the tenth verse of Leviticus xxv, "Proclaim liberty throughout all the land and unto all the inhabitants thereof." It was hung in the belfry of the Philadelphia State House about 1755, and more than twenty years later it rang out to the assembled multitudes tidings of liberty, on the occasion of the adoption of the Declaration of Independence by the Continental Congress. The bell was cracked in 1825, and now hangs in the corridor of Independence Hall, Philadelphia.

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REPLIES

TO

PUBLIC ADDRESSES.

INTRODUCTORY NOTE.—As Jefferson was always averse to delivering his opinion orally to any assemblage, his "Replies to Public Addresses" were necessarily transmitted in writing and read aloud by a chosen candidate before the people addressed. The Public Addresses received by Jefferson, and answered by him, were especially numerous during the exciting period of the Embargo, the attack on the frigate Chesapeake, and at the close of his second Presidential term when he was retiring from all forms of public service. The Replies given herewith include all specimens extant that have any historical, political, or literary value.

REPLIES TO PUBLIC ADDRESSES.

MESSRS. NEHEMIAH DODGE, EPHRAIM ROBBINS, AND STEPHEN S. NELSON, A COMMITTEE OF THE DANBURY BAPTIST ASSOCIATION, IN THE STATE OF CONNECTICUT.

WASHINGTON, January 1, 1802.

GENTLEMEN,—The affectionate sentiments of esteem and approbation which you are so good as to express towards me, on behalf of the Danbury Baptist Association, give me the highest satisfaction. My duties dictate a faithful and zealous pursuit of the interests of my constituents, and in proportion as they are persuaded of my fidelity to those duties, the discharge of them becomes more and more pleasing.

Believing with you that religion is a matter which lies solely between man and his God, that he owes account to none other for his faith or his worship, that the legislative powers of government reach actions only, and not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should "make no law respecting an establishment of religion, or prohibiting the free exercise thereof," thus

building a wall of separation between Church and State. Adhering to this expression of the supreme will of the nation in behalf of the rights of conscience, I shall see with sincere satisfaction the progress of those sentiments which tend to restore to man all his natural rights, convinced he has no natural right in opposition to his social duties.

I reciprocate your kind prayers for the protection and blessing of the common Father and Creator of man, and tender you for yourselves and your religious association, assurances of my high respect and esteem.

TO WILLIAM JUDD, CHAIRMAN.

WASHINGTON, November 15, 1802.

Expressions of confidence from the respectable description of my fellow citizens, in whose name you have been pleased to address me, are received with that cordial satisfaction which kindred principles and sentiments naturally inspire.

The proceedings which they approve were sincerely intended for the general good; and if, as we hope, they should in event produce it, they will be indebted for it to the wisdom of our legislative councils, and of those distinguished fellow laborers whom the laws have permitted me to associate in the general administration.

Exercising that discretion which the Constitution has confided to me in the choice of public agents,

I have been sensible, on the one hand, of the justice done to those who have been systematically excluded from the service of their country, and attentive, on the other, to restore justice in such a way as might least affect the sympathies and the tranquillity of the public mind. Deaths, resignations, delinquencies, malignant and active opposition to the order of things established by the will of the nation, will, it is believed, within a moderate space of time, make room for a just participation in the management of the public affairs; and that being once effected, future changes at the helm will be viewed with tranquillity by those in subordinate station.

Every wish of my heart will be completely gratified when that portion of my fellow citizens which has been misled as to the character of our measures and principles, shall, by their salutary effects, be corrected in their opinions, and joining with good will the great mass of their fellow citizens, consolidate an union which cannot be too much cherished.

I pray you, Sir, to accept for yourself, and for the general meeting of the Republicans of the State of Connecticut at New Haven, whose sentiments you have been so good as to convey to me, assurances of my high consideration and respect.

TO THE LEGISLATURE OF THE STATE OF TENNESSEE.

WASHINGTON, December 24, 1803.

Amidst the anxieties which are felt for the favorable issue of measures adopted for promoting the public good, it is a consolation to meet the approbation of those on whose behalf they are instituted. I shall certainly endeavor to merit a continuance of the good opinion which the legislature of Tennessee have been pleased to express in their address of the 8th November, by a zealous attention to the interests of my constituents; and shall count on a candid indulgence whenever untoward events may happen to disappoint well-founded expectations.

In availing our Western brethren of those circumstances which occur for promoting their interests, we only perform that duty which we owe to every portion of the Union, under occurrences equally favorable; and, impressed with the inconveniences to which the citizens of Tennessee are subjected by a want of contiguity in the portions composing their State, I shall be ready to do for their relief, whatever the general legislature may authorize, and justice to our neighbors permit.

The acquisition of Louisiana, although more immediately beneficial to the Western States, by securing for their produce a certain market, not subject to interruption by officers over whom we have no control, yet is also deeply interesting to the maritime

portion of our country, inasmuch as by giving the exclusive navigation of the Mississippi, it avoids the burdens and sufferings of a war, which conflicting interests on that river would inevitably have produced at no distant period. It opens, too, a fertile region for the future establishments in the progress of that multiplication so rapidly taking place in all parts.

I have seen with great satisfaction the promptitude with which the first portions of your militia repaired to the standard of their country. It was deemed best to provide a force equal to any event which might arise out of the transaction, and especially to the preservation of order, among our newly associated brethren, in the first moments of their transition from one authority to another. I tender to the legislature of Tennessee assurances of my high respect and consideration.

TO THE TWO BRANCHES OF THE LEGISLATURE OF MASSACHUSETTS.

WASHINGTON, February 14, 1807.

It is with sincere pleasure that I receive, from the two branches of the legislature of Massachusetts, an address, expressive of their satisfaction with the administration of our government. The approbation of my constituents is truly the most valued reward for any services it has fallen to my lot to render them—their confidence and esteem,

the greatest consolation of my life. The measures which you have been pleased particularly to note, I have believed to have been for the best interests of our country. But far from assuming their merit to myself, they belong first, to a wise and patriotic legislature, which has given them the form and sanction of law, and next, to my faithful and able fellow laborers in the Executive administration.

The progression of sentiment in the great body of our fellow citizens of Massachusetts, and the increasing support of their opinion, I have seen with satisfaction, and was ever confident I should see; persuaded that an enlightened people, whenever they should view impartially the course we have pursued, could never wish that our measures should have been reversed; could never desire that the expenses of the government should have been increased, taxes multiplied, debt accumulated, wars undertaken, and the tomahawk and scalping knife left in the hands of our neighbors, rather than the hoe and plough. In whatever tended to strengthen the republican features of our Constitution, we could not fail to expect from Massachusetts, the cradle of our revolutionary principles, an ultimate concurrence; and cultivating the peace of nations, with justice and prudence, we yet were always confident that, whenever our rights would be to be vindicated against the aggression of foreign foes, or the machinations of internal conspirators, the people of Massachusetts, so prominent in the military achievements

which placed our country in the right of self-government, would never be found wanting in their duty to the calls of their country, or the requisitions of their government.

During the term which yet remains, of my continuance in the station assigned me, your confidence shall not be disappointed, so far as faithful endeavors for your service can merit it.

I feel with particular sensibility your kind expressions towards myself personally; and I pray that that Providence in whose hand are the nations of the earth, may continue towards ours His fostering care, and bestow on yourselves the blessings of His protection and favor.

TO THE PRESIDENT OF THE SENATE, AND SPEAKER OF THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS.

WASHINGTON, February 14, 1807.

GENTLEMEN,—I acknowledge, in the first moment it has been in my power, the receipt of your joint letter of January 26th, with the address of the two branches of legislature of Massachusetts, expressing their approbation of the proceedings of our government. This declaration cannot fail to give particular and general satisfaction to our fellow citizens, and to produce wholesome effects at home and abroad. The remarkable union of sentiment which pervaded nearly the whole of the States and terri-

tories composing our nation, was such, indeed, as to inspire a just confidence in the course we had to pursue. Yet something was sensibly wanting to fill up the measure of our happiness, while a member so important, so esteemed as Massachusetts, had not yet declared its participation in the common sentiment. That it is now done, will be a subject of mutual congratulation.

I am sensible that the terms in which you have been pleased to make this communication, are not merely those of official duty. I feel how much I am indebted to the kind and friendly disposition they manifest; and I cherish them as proofs of an esteem highly valued.

Permit me, through you, to return to the two branches of the legislature the enclosed answer, and accept the assurances of my esteem and high consideration.

TO MESSRS. THOMAS, ELLICOT, AND OTHERS.

WASHINGTON, November 13, 1807.

FRIENDS AND FELLOW CITIZENS,—I thank you for the address you have kindly presented me, on behalf of that portion of the Society of Friends of which you are the representatives, and I learn with satisfaction their approbation of the principles which have influenced the councils of the General Government in their decisions on several important subjects confided to them.

The desire to preserve our country from the calamities and ravages of war, by cultivating a disposition, and pursuing a conduct, conciliatory and friendly to all nations, has been sincerely entertained and faithfully followed. It was dictated by the principles of humanity, the precepts of the gospel, and the general wish of our country, and it was not to be doubted that the Society of Friends, with whom it is a *religious* principle, would sanction it by their support.

The same philanthropic motives have directed the public endeavors to ameliorate the condition of the Indian natives, by introducing among them a knowledge of agriculture and some of the mechanic arts, by encouraging them to resort to these as more certain, and less laborious resources for subsistence than the chase; and by withholding from them the pernicious supplies of ardent spirits. They are our brethren, our neighbors; they may be valuable friends, and troublesome enemies. Both duty and interest then enjoin, that we should extend to them the blessings of civilized life, and prepare their minds for becoming useful members of the American family. In this important work I owe to your society an acknowledgment that we have felt the benefits of their zealous co-operation, and approved its judicious direction towards producing among those people habits of industry, comfortable subsistence, and civilized usages, as preparatory to religious instruction and the cultivation of letters.

Whatever may have been the circumstances which influenced our forefathers to permit the introduction of personal bondage into any part of these States, and to participate in the wrongs committed on an unoffending quarter of the globe, we may rejoice that such circumstances, and such a sense of them, exist no longer. It is honorable to the nation at large that their legislature availed themselves of the first practicable moment for arresting the progress of this great moral and political error; and I sincerely pray with you, my friends, that all the members of the human family may, in the time prescribed by the Father of us all, find themselves securely established in the enjoyment of life, liberty, and happiness.

TO CAPTAIN JOHN THOMAS.

WASHINGTON, November 18, 1807.

SIR,—I received on the 14th instant your favor of August 31, and I beg you to assure my fellow citizens of the Baptist church of Newhope meeting-house, that I learn with great satisfaction their approbation of the principles which have guided the present administration of the government. To cherish and maintain the rights and liberties of our citizens, and to ward from them the burdens, the miseries, and the crimes of war, by a just and friendly conduct towards all nations, were among the most obvious and important duties of those to

whom the management of their public interests have been confided; and happy shall we be if a conduct guided by these views on our part, shall secure to us a reciprocation of peace and justice from other nations.

Among the most inestimable of our blessings, also, is that you so justly particularize, of liberty to worship our Creator in the way we think most agreeable to His will; a liberty deemed in other countries incompatible with good government, and yet proved by our experience to be its best support.

Your confidence in my dispositions to befriend every human right is highly grateful to me, and is rendered the more so by a consciousness that these dispositions have been sincerely entertained and pursued. I am thankful for the kindness expressed towards me personally, and pray you to return to the society in whose name you have addressed me, my best wishes for their happiness and prosperity; and to accept for yourself assurances of my great esteem and respect.

TO HIS EXCELLENCY GOVERNOR ISRAEL SMITH.[1]

WASHINGTON, December 1, 1807.

SIR,—The Secretary of State has communicated to me your letter to him of the 14th of November, covering the resolutions of the General Assembly of Vermont of the 4th of the same month.

[1] Governor of Vermont.

The sentiments expressed by the General Assembly of Vermont on the late hostile attack on the Chesapeake by the Leopard ship-of-war, as well as on other violations of our maritime and territorial rights, are worthy of their known patriotism; and their readiness to rally around the constituted authorities of their country, and to support its rights with their lives and fortunes, is the more honorable to them as exposed by their position, in front of the contest. The issue of the present misunderstandings cannot now be foreseen: but the measures adopted for their settlement have been sincerely directed to maintain the rights, the honor, the peace of our country: and the approbation of them expressed by the General Assembly is to me a confirmation of their correctness.

The confidence they are pleased to declare in my personal care of the public interests, is highly gratifying to me, and gives a new claim to everything which zeal can effect for their service.

I beg leave to tender to the General Assembly of Vermont, and to yourself, the assurances of my high consideration and respect.

TO THE LEGISLATURE OF VERMONT.[1]

WASHINGTON, December 10, 1807.

I received in due season the *address* of the legislature of Vermont, bearing date the 5th of November, 1806, in which, with their approbation of the general course of my administration, they were so good as to express their desire that I would consent to be proposed again, to the public voice, on the expiration of my present term of office. Entertaining, as I do, for the legislature of Vermont those sentiments of high respect which would have prompted an immediate answer, I was certain, nevertheless, they would approve a delay which had for its object to avoid a premature agitation of the public mind, on a subject so interesting as the election of a chief magistrate.

That I should lay down my charge at a proper period, is as much a duty as to have borne it faithfully. If some termination to the services of the chief magistrate be not fixed by the Constitution, or supplied by practice, his office, nominally for years, will, in fact, become for life; and history shows how easily that degenerates into an inheritance. Believing that a representative govern-

[1] "Addresses approving the general course of his administration, were also received from Georgia, December 6th, 1806; from Rhode Island, February 27th, 1807; from New York, March 13th, 1807; from Pennsylvania, March 13th, 1807; and from Maryland, January 3d, 1807; to all of which answers like that sent to Vermont were returned."

ment, responsible at short periods of election, is that which produces the greatest sum of happiness to mankind, I feel it a duty to do no act which shall essentially impair that principle; and I should unwillingly be the person who, disregarding the sound precedent set by an illustrious predecessor, should furnish the first example of prolongation beyond the second term of office.

Truth, also, requires me to add, that I am sensible of that decline which advancing years bring on; and feeling their physical, I ought not to doubt their mental effect. Happy if I am the first to perceive and to obey this admonition of nature, and to solicit a retreat from cares too great for the wearied faculties of age.

For the approbation which the legislature of Vermont has been pleased to express of the principles and measures pursued in the management of their affairs, I am sincerely thankful; and should I be so fortunate as to carry into retirement the equal approbation and good will of my fellow citizens generally, it will be the comfort of my future days, and will close a service of forty years with the only reward it ever wished.

TO THE REPRESENTATIVES OF THE PEOPLE OF NEW JERSEY IN THEIR LEGISLATURE.

WASHINGTON, December 10, 1807.

The sentiments, fellow citizens, which you are pleased to express in your address of the 4th inst.,

of attachment and esteem for the General Govenment, and of confidence and approbation of those who direct its councils, cannot but be pleasing to the friends of union generally, and give a new claim on all those who direct the public affairs, for everything which zeal can effect for the good of their country.

It is indeed to be deplored that distant as we are from the storms and convulsions which agitate the European world, the pursuit of an honest neutrality, beyond the reach of reproach, has been insufficient to secure to us the certain enjoyment of peace with those whose interests as well as ours would be promoted by it. What will be the issue of present misunderstandings cannot as yet be foreseen; but the measures adopted for their settlement have been sincerely directed to maintain the rights, the honor, and the peace of our country. Should they fail, the ardor of our citizens to obey the summons of their country, and the offer which you attest, of their lives and fortunes in its support, are worthy of their patriotism, and are pledges of our safety.

The suppression of the late conspiracy by the hand of the people, uplifted to destroy it whenever it reared its head, manifests their fitness for self-government, and the power of a nation, of which every individual feels that his own will is a part of the public authority.

The effect of the public contributions in reducing the national debt, and liberating our resources from

the canker of interest, has been so far salutary, and encourages us to continue in the same course; or, if necessarily interrupted, to resume it as soon as practicable.

I perceive with sincere pleasure that my conduct in the chief magistracy has so far met your approbation, that my continuance in that office, after its present term, would be acceptable to you. But that I should lay down my charge at a proper period is as much a duty as to have borne it faithfully. If some termination to the services of the chief magistrate be not fixed by the Constitution, or supplied by practice, his office, nominally for years, will, in fact, become for life, and history shows how easily that degenerates into an inheritance. Believing that a representative government, responsible at short periods of election, is that which produces the greatest sum of happiness to mankind, I feel it a duty to do no act which shall essentially impair that principle; and I should unwillingly be the person who, disregarding the sound precedent set by an illustrious predecessor, should furnish the first example of prolongation beyond the second term of office.

Truth also obliges me to add, that I am sensible of that decline which advancing years bring on, and feeling their physical, I ought not to doubt their mental effect. Happy if I am the first to perceive and to obey this admonition of nature, and to solicit a retreat from cares too great for the wearied faculties of age.

Declining a re-election on grounds which cannot but be approved, I am sincerely thankful for the approbation which the legislature of New Jersey are pleased to manifest of the principles and measures pursued in the management of their affairs; and should I be so fortunate as to carry into retirement the equal approbation and good will of my fellow citizens generally, it will be the comfort of my future days, and will close a service of forty years with the only reward it ever wished.

TO THE TAMMANY SOCIETY OF THE CITY OF WASHINGTON.

WASHINGTON, December 14, 1807.

The appearances for some time past, threatening our peace, fellow citizens, have justly excited a general anxiety; and I have been happy to receive from every quarter of the Union the most satisfactory assurances of fidelity to our country, and of devotion to the support of its rights. Your concurrence in these sentiments, expressed in the address you have been pleased to present me, is a proof of your patriotism, and of that firm spirit which constitutes the ultimate appeal of nations. What will be the issue of present misunderstandings, is, as yet, unknown. But, willing ourselves to do justice to others, we ought to expect it from them. If any among us view erroneously the rights which late events have brought into question, let us hope

that they will be corrected by the further investigation of reason; but, at all events, that they will acquiesce in what their country shall authoritatively decide, and arrange themselves faithfully under the banners of the law.

Your approbation of the measures which have been pursued, is a pleasing confirmation of their correctness; and, with particular thankfulness for the kind expressions of your address towards myself personally, I reciprocate sincere wishes for your welfare.

TO MESSRS. ABNER WATKINS AND BERNARD TODD.

WASHINGTON, December 21st, 1807.

I have duly received, fellow citizens, the address of October 21st, which you have been so kind as to forward me on the part of the society of Baptists, of the Appomatox Association, and it is with great satisfaction when I learn from my constituents that the measures pursued in the administration of their affairs, during the time I have occupied the Presidential chair, have met their approbation. Of the wisdom of these measures, it belongs to others to judge; that they have always been dictated by a desire to do what should be most for the public good, I may conscientiously affirm. Believing that a definite period of retiring from this station will tend materially to secure our elective form of government; and sensible, too, of that decline which

advancing years bring on, I have felt it a duty to withdraw at the close of my present term of office; and to strengthen by practice a principle which I deem salutary. That others may be found whose talents and integrity render them proper deposits of the public liberty and interests, and who have made themselves known by their eminent services, we can all affirm, of our personal knowledge. To us it will belong, fellow citizens, when their country shall have called them to its helm, to give them our support while there, to facilitate their honest efforts for the public good, even where other measures might seem to us more direct, to strengthen the arm of our country by union under them, and to reserve ourselves for judging them at the constitutional period of election.

I pray you to tender to your society, of which you are a committee, my thanks for the indulgence with which they have viewed my conduct, with the assurance of my high respect, and to accept yourselves my friendly and respectful salutations.

TO THE GENERAL ASSEMBLY OF NORTH CAROLINA.

WASHINGTON, January 10, 1808.

The wrongs our country has suffered, fellow citizens, by violations of those moral rules which the Author of our nature has implanted in man as the law of his nature, to govern him in his associated, as well as individual character, have been such as

justly to excite the sensibilities you express, and a deep abhorrence at indications threatening a substitution of power for right in the intercourse between nations. Not less worthy of your indignation have been the machinations of parricides who have endeavored to bring into danger the union of these States, and to subvert, for the purposes of inordinate ambition, a government founded in the will of its citizens, and directed to no object but their happiness.

I learn, with the liveliest sentiments of gratitude and respect, your approbation of my conduct, in the various charges which my country has been pleased to confide to me at different times; and especially that the administration of our public affairs, since my accession to the chief magistracy, has been so far satisfactory, that my continuance in that office after its present term, would be acceptable to you. But, that I should lay down my charge at a proper period, is as much a duty as to have borne it faithfully. If some termination to the services of the chief magistrate be not fixed by the Constitution, or supplied by practice, his office, nominally for years, will in fact become for life; and history shows how easily that degenerates into an inheritance. Believing that a representative government, responsible at short periods of election, is that which produces the greatest sum of happiness to mankind, I feel it a duty to do no act which shall essentially impair that principle; and I

should unwillingly be the person who, disregarding the sound precedent set by an illustrious predecessor, should furnish the first example of prolongation beyond the second term of office.

Truth also obliges me to add, that I am sensible of that decline which advancing years bring on; and feeling their physical, I ought not to doubt their mental effect. Happy if I am the first to perceive and obey this admonition of nature, and to solicit a retreat from cares too great for the wearied faculties of age.

Declining a re-election on grounds which cannot but be approved, it will be the great comfort of my future days, and the satisfactory reward of a service of forty years, to carry into retirement such testimonies as you have been pleased to give, of the approbation and good will of my fellow citizens generally. And I supplicate the Being in whose hands we all are, to preserve our country in freedom and independence, and to bestow on yourselves the blessings of His favor.

TO THE SOCIETY OF TAMMANY, OR COLUMBIAN ORDER, NO. 1, OF THE CITY OF NEW YORK.

WASHINGTON, February 29, 1808.

I have received your address, fellow citizens, and, thankful for the expressions so personally gratifying to myself, I contemplate with high satisfaction the ardent spirit it breathes of love to our country,

and of devotion to its liberty and independence. The crisis in which it is placed, cannot but be unwelcome to those who love peace, yet spurn at a tame submission to wrong. So fortunately remote from the theatre of European contests, and carefully avoiding to implicate ourselves in them, we had a right to hope for an exemption from the calamities which have afflicted the contending nations, and to be permitted unoffendingly to pursue paths of industry and peace.

But the ocean, which, like the air, is the common birthright of mankind, is arbitrarily wrested from us, and maxims consecrated by time, by usage, and by an universal sense of right, are trampled on by superior force. To give time for this demoralizing tempest to pass over, one measure only remained which might cover our beloved country from its overwhelming fury: an appeal to the deliberate understanding of our fellow citizens in a cessation of all intercourse with the belligerent nations, until it can be resumed under the protection of a returning sense of the moral obligations which constitute a law for nations as well as individuals. There can be no question, in a mind truly American, whether it is best to send our citizens and property into certain captivity, and then wage war for their recovery, or to keep them at home, and to turn seriously to that policy which plants the manufacturer and the husbandman side by side, and establishes at the door of every one that exchange

of mutual labors and comforts, which we have hitherto sought in distant regions, and under perpetual risk of broils with them. Between these alternatives your address has soundly decided, and I doubt not your aid, and that of every real and faithful citizen, towards carrying into effect the measures of your country, and enforcing the sacred principle, that in opposing foreign wrong there must be but one mind.

I receive with sensibility your kind prayers for my future happiness, and I supplicate a protecting Providence to watch over your own and our country's freedom and welfare.

TO THE DELEGATES OF THE DEMOCRATIC REPUBLICANS OF THE CITY OF PHILADELPHIA IN GENERAL WARD COMMITTEE ASSEMBLED.

WASHINGTON, May 25, 1808.

The epoch, fellow citizens, into which our lot has fallen, has indeed been fruitful of events, which require vigilance, and embarrass deliberation. That during such a period of difficulty, and amidst the perils surrounding us, the public measures which have been pursued should meet your approbation, is a source of great satisfaction. It was not expected in this age, that nations so honorably distinguished by their advances in science and civilization, would suddenly cast away the esteem they had merited from the world, and, revolting from the empire

of morality, assume a character in history, which all the tears of their posterity will never wash from its pages. But during this delirium of the warring powers, the ocean having become a field of lawless violence, a suspension of our navigation for a time was equally necessary to avoid contest, or enter it with advantage. This measure will, indeed, produce some temporary inconvenience; but promises lasting good by promoting among ourselves the establishment of manufactures hitherto sought abroad, at the risk of collisions no longer regulated by the laws of reason or morality.

It is to be lamented that any of our citizens, not thinking with the mass of the nation as to the principles of our government, or of its administration, and seeing all its proceedings with a prejudiced eye, should so misconceive and misrepresent our situation as to encourage aggressions from foreign nations. Our expectation is, that their distempered views will be understood by others as they are by ourselves; but should wars be the consequence of these delusions, and the errors of our dissatisfied citizens find atonement only in the blood of their sounder brethren, we must meet it as an evil necessarily flowing from that liberty of speaking and writing which guards our other liberties; and I have entire confidence in the assurances that your ardor will be animated, in the conflicts brought on, by considerations of the necessity, honor, and justice of our cause.

I sincerely thank you, fellow citizens, for the concern you so kindly express for my future happiness. It is a high and abundant reward for endeavors to be useful; and I supplicate the care of Providence over the well-being of yourselves and our beloved country.

TO THE LEGISLATURE, COUNCIL, AND HOUSE OF REPRESENTATIVES OF THE TERRITORY OF ORLEANS.

WASHINGTON, June 18, 1808.

I received, fellow citizens, with a just sensibility, the expressions of esteem and approbation, communicated in your kind address of the 29th of March, and am thankful for them. The motives which have led to my retirement from office were dictated by a sense of duty, and will, I trust, be approved by my fellow citizens generally.

It is, indeed, a source of real concern that an impartial neutrality scrupulously observed towards the belligerent nations of Europe, has not been sufficient to protect us against encroachments on our rights; and, although deprecating war, should no alternative be presented us but disgraceful submission to unlawful pretensions, I have entire confidence in your assurances that you will cheerfully submit to whatever sacrifices and privations may be necessary for vindicating the rights, the honor, and independence of our nation.

Far from a disposition to avail ourselves of the

peculiar situation of any belligerent nation to ask concessions incompatible with their rights, with justice, or reciprocity, we have never proposed to any the sacrifice of a single right; and in consideration of existing circumstances, we have ever been willing, where our duty to other nations permitted us, to relax for a time, and in some cases, that strictness of right which the laws of nature, the acknowledgments of the civilized world, and the equality and independence of nations entitle us to. Should, therefore, excessive and continued injury compel at length a resort to the means of self-redress, we are strong in the consciousness that no wrong committed on our part, no precipitancy in repelling the wrongs committed by others, no want of moderation in our exactions of voluntary justice, but undeniable aggressions on us, and the avowed purpose of continuing them, will have produced a recurrence so little consonant with our principles or inclinations.

To carry with me into retirement the approbation and esteem of my fellow citizens, will, indeed, be the highest reward they can confer on me, and certainly the only one I have ever desired. I invoke the favor of Heaven, fellow citizens, towards yourselves and our beloved country.

TO THE LEGISLATURE OF NEW HAMPSHIRE.

MONTICELLO, August 2, 1808.

In the review, fellow citizens, which, in your address of the 14th of June, you have taken of the measures pursued since I have been charged with their direction, I read with great satisfaction and thankfulness, the approbation you have bestowed on them; and I feel it an ample reward for any services I may have been able to render.

The present moment is certainly eventful, and one which peculiarly requires that the bond of confederation connecting us as a nation should receive all the strength which unanimity between the national councils and the State legislatures can give it.

The depredations committed on our vessels and property on the high seas, the violences to the persons of our citizens employed on that element, had long been the subject of remonstrance and complaint, when, instead of reparation, new declarations of wrong are issued, subjecting our navigation to general plunder. In this state of things our first duty was to withdraw our seafaring citizens and property from abroad, and to keep at home resources so valuable at all times, and so essential, if resort must ultimately be had to force.

It gave us time, too, to make a last appeal to the reason and reputation of nations. In the meanwhile I see with satisfaction that this measure of

self-denial is approved and supported by the great body of our real citizens; that they meet with cheerfulness the temporary privations it occasions, and are preparing with spirit to provide for themselves those comforts and conveniences of life, for which it would be unwise evermore to recur to distant countries. How long this course may be preferable to a more serious appeal, must depend for decision on the wisdom of the legislature; unless, indeed, a return to established principles should remove the existing obstacles to a peaceable intercourse with foreign nations. In every event, fellow citizens, my confidence is entire that your resolution to maintain our national independence and sovereignty will be as firm as it has been forbearing; and looking back on our history, I am assured by the past, that its future pages will present nothing unworthy of the former.

I am happy that you approve of the motives of my retirement. I shall carry into it ardent prayers for the welfare of my country, and the sincerest wishes for that of yourselves personally.

TO HIS EXCELLENCY GOVERNOR JOHN LANGDON.[1]

MONTICELLO, August 2, 1808.

I received in due time your favor of June 24th, covering the address of the House of Representatives and Senate of New Hampshire, and I ask

[1] Governor of New Hampshire.

leave, through the same channel, to return the enclosed answer, to be communicated to them in whatever way you think most acceptable. Highly gratified by this approbation of the legislature of your State, as it respects myself personally, the moment at which it is expressed gives it peculiar value as a public document. It is the testimony of a respectable legislature in favor of a measure submitting our fellow citizens to some present sufferings to preserve them from future and greater, and cannot fail to strengthen the disposition to maintain it which I am happy to perceive is so general. I tender you my affectionate salutations, and with every wish for your health and happiness, the assurance of my high respect and consideration.

TO HIS EXCELLENCY GOVERNOR JOHN LANGDON.
(PRIVATE.)

MONTICELLO, August 2, 1808.

MY DEAR SIR,—The enclosed are formal, and for the public; but in sending them to you I cannot omit the occasion of indulging my friendship in a more familiar way, and of recalling myself to your recollection. How much have I wished to have had you still with us through the years of my employment at Washington. I have seen with great pleasure the moderation and circumspection with which you have been kind enough to act under my letter of May 6th, and I have been highly grati-

fied with the late general expressions of public sentiment in favor of a measure which alone could have saved us from immediate war, and give time to call home eighty millions of property, twenty or thirty thousand seamen, and two thousand vessels. These are now nearly at home, and furnish a great capital, much of which will go into manufactures and seamen to man a fleet of privateers, whenever our citizens shall prefer war to a longer continuance of the embargo. Perhaps, however, the whale of the ocean may be tired of the solitude it has made on that element, and return to honest principles, and his brother robber on the land may see that, as to us, the grapes are sour. I think one war enough for the life of one man; and you and I have gone through one which at least may lessen our impatience to embark in another. Still, if it becomes necessary, we must meet it like men, old men, indeed, but yet good for something. But whether in peace or war, may you have as many years of life as you desire, with health and prosperity to make them happy years. I salute you with constant affection and great esteem and respect.

TO THE HONORABLE JOSEPH ALSTON, SPEAKER OF THE HOUSE OF REPRESENTATIVES OF SOUTH CAROLINA.

MONTICELLO, August 4, 1808.

SIR,—I have duly received your letter of July 6th, covering the resolutions of the legislature of South

Carolina of June 29th, and I see in those resolutions a new manifestation of the national spirit of which South Carolina has given so many proofs. It is the more exemplary, as it is certain that no State sacrifices more by the operation of a measure which, whether to avoid war, or to prepare for it, has been deemed equally necessary. The unanimity too of these resolutions, does peculiar honor to those individuals, who differing from the mass of their fellow citizens in their opinions of government, yet forget all differences when the rights of their country are in question; who when it is assailed by foreign wrong, and menaced with the evils of war, instead of encouraging enemies by forebodings of weakness and division, present to them one common and undivided front. Persuaded that the sentiments expressed in these resolutions are a true specimen of those entertained by the great mass of our fellow citizens, we may regret the evils which a contrary opinion in others may produce, but we cannot fear the result of any trial they may put us to.

I receive with particular gratification assurances of approbation from the legislature of South Carolina, and will not cease in my endeavors to merit a continuance of it. I pray you to accept my salutations and assurances of great respect and consideration.

TO THE INHABITANTS OF THE TOWNS OF BOSTON, NEWBURYPORT AND PROVIDENCE, IN LEGAL TOWN MEETING ASSEMBLED.

MONTICELLO, August 26, 1808.

Your representation and request were received on the 22d inst., and have been considered with the attention due to every expression of the sentiments and feelings of so respectable a body of my fellow citizens. No person has seen, with more concern than myself, the inconveniences brought on our country in general by the circumstances of the times in which we happen to live; times to which the history of nations presents no parallel. For years we have been looking as spectators on our brethren of Europe, afflicted by all those evils which necessarily follow an abandonment of the moral rules which bind men and nations together. Connected with them in friendship and commerce, we have happily so far kept aloof from their calamitous conflicts, by a steady observance of justice towards all, by much forbearance and multiplied sacrifices. At length, however, all regard to the rights of others having been thrown aside, the belligerent powers have beset the highway of commercial intercourse with edicts which, taken together, expose our commerce and mariners, under almost every destination, a prey to their fleets and armies. Each party, indeed, would admit our commerce with themselves, with the view of associating us in their

war against the other. But we have wished war with neither. Under these circumstances were passed the laws of which you complain, by those delegated to exercise the powers of legislation for you, with every sympathy of a common interest in exercising them faithfully. In reviewing these measures, therefore, we should advert to the difficulties out of which a choice was of necessity to be made. To have submitted our rightful commerce to prohibitions and tributary exactions from others, would have been to surrender our independence. To resist them by arms was war, without consulting the state of things or the choice of the nation. The alternative preferred by the legislature of suspending a commerce placed under such unexampled difficulties, besides saving to our citizens their property, and our mariners to their country, has the peculiar advantage of giving time to the belligerent nations to revise a conduct as contrary to their interests as it is to our rights.

"In the event of such peace, or suspension of hostilities between the belligerent powers of Europe, or of such change in their measures affecting neutral commerce, as may render that of the United States sufficiently safe, in the judgment of the President," he is authorized to suspend the embargo. But no peace or suspension of hostilities, no change of measures affecting neutral commerce, is known to have taken place. The orders of England, and the decrees of France and Spain, existing at the

date of these laws, are still unrepealed, as far as we know. In Spain, indeed, a contest for the government appears to have arisen; but of its course or prospects we have no information on which prudence would undertake a hasty change in our policy, even were the authority of the Executive competent to such a decision.

You desire that, in this defect of power, Congress may be specially convened. It is unnecessary to examine the evidence or the character of the facts which are supposed to dictate such a call; because you will be sensible, on an attention to dates, that the legal period of their meeting is as early as, in this extensive country, they could be fully convened by a special call.

I should, with great willingness, have executed the wishes of the inhabitants of the towns of Boston, Newburyport, and Providence, had peace, or a repeal of the obnoxious edicts, or other changes, produced the case in which alone the laws have given me that authority; and so many motives of justice and interest lead to such changes, that we ought continually to expect them. But while these edicts remain, the legislature alone can prescribe the course to be pursued.

TO A PORTION OF THE CITIZENS OF BOSTON.

MONTPELLIER, August 26, 1808.

I have duly received the address of that portion of the citizens of [Boston] who have declared their

approbation of the present suspension of our commerce, and their dissent from the representation of those of the same place, who wished its removal. A division of sentiment was not unexpected. On no question can a perfect unanimity be hoped, or certainly it would have been on that between war and embargo, the only alternatives presented to our choice. For the general capture of our vessels would have been war on one side, which reason and interest would repel by war and reprisal on our part.

Of the several interests composing those of the United States, that of manufactures would of course prefer to war a state of non-intercourse, so favorable to their rapid growth and prosperity. Agriculture, although sensibly feeling the loss of market for its produce, would find many aggravations in a state of war. Commerce and navigation, or that portion which is foreign, in the inactivity to which they are reduced by the present state of things, certainly experience their full share in the general inconvenience; but whether war would to them be a preferable alternative, is a question their patriotism would never hastily propose. It is to be regretted, however, that overlooking the real sources of their sufferings, the British and French edicts, which constitute the actual blockade of our foreign commerce and navigation, they have, with too little reflection, imputed them to laws which have saved them from greater, and have preserved for our own use our vessels, property and seamen,

instead of adding them to the strength of those with whom we might eventually have to contend.

The embargo, giving time to the belligerent powers to revise their unjust proceedings, and to listen to the dictates of justice, of interest and reputation, which equally urge the correction of their wrongs, has availed our country of the only honorable expedient for avoiding war; and should a repeal of these edicts supersede the cause for it, our commercial brethren will become sensible that it has consulted their interests, however against their own will. It will be unfortunate for their country if, in the meantime, these their expressions of impatience should have the effect of prolonging the very sufferings which have produced them, by exciting a fallacious hope that we may, under any pressure, relinquish our equal right of navigating the ocean, go to such ports only as others may prescribe, and there pay the tributary exactions they may impose; an abandonment of national independence and of essential rights, revolting to every manly sentiment. While these edicts are in force, no American can ever consent to a return of peaceable intercourse with those who maintain them.

I am happy, in the approach of the period when the feelings and the wisdom of the nation will be collected in their representatives assembled together. To them are committed our rights, to them our wrongs are known, and they will pronounce the remedy they call for; and I hear with pleasure

from all, as well those who approve, as who disapprove of the present measures, assurances of an implicit acquiescence in their enunciation of the general will.

I beg leave through you to communicate this answer to the address on which your signature held the first place, and to add the assurances of my respect.

TO THE MEMBERS OF THE BALTIMORE BAPTIST ASSOCIATION.

WASHINGTON, October 17, 1808.

I receive with great pleasure the friendly address of the Baltimore Baptist Association, and am sensible how much I am indebted to the kind dispositions which dictated it.

In our early struggles for liberty, religious freedom could not fail to become a primary object. All men felt the right, and a just animation to obtain it was exhibited by all. I was one only among the many who befriended its establishment, and am entitled but in common with others to a portion of that approbation which follows the fulfillment of a duty.

Excited by wrongs to reject a foreign government which directed our concerns according to its own interests, and not to ours, the principles which justified us were obvious to all understandings, they were imprinted in the breast of every human being;

and Providence ever pleases to direct the issue of our contest in favor of that side where justice was. Since this happy separation, our nation has wisely avoided entangling itself in the system of European interests, has taken no side between its rival powers, attached itself to none of its ever-changing confederacies. Their peace is desirable; and you do me justice in saying that to preserve and secure this, has been the constant aim of my administration. The difficulties which involve it, however, are now at their ultimate term, and what will be their issue, time alone will disclose. But be it what it may, a recollection of our former vassalage in religion and civil government, will unite the zeal of every heart, and the energy of every hand, to preserve that independence in both which, under the favor of Heaven, a disinterested devotion to the public cause first achieved, and a disinterested sacrifice of private interests will now maintain.

I am happy in your approbation of my reasons for determining to retire from a station, in which the favor of my fellow citizens has so long continued and supported me: I return your kind prayers with supplications to the same Almighty Being for your future welfare and that of our beloved country.

TO THE MEMBERS OF THE KETOCTON BAPTIST ASSOCIATION.

WASHINGTON, October 18, 1808.

I received with great pleasure the affectionate address of the Ketocton Baptist Association, and am sensible how much I am indebted to the kind dispositions which dictated it.

In our early struggles for liberty, religious freedom could not fail to become a primary object. All men felt the right, and a just animation to obtain it was excited in all. And although your favor selected me as the organ of your petition to abolish the religious denomination of a privileged church, yet I was but one of the many who befriended its object, and am entitled but in common with them to a portion of that approbation which follows the fulfillment of a duty.

The views you express of the conduct of the belligerent powers are as correct as they are afflicting to the lovers of justice and humanity. Those moral principles and conventional usages which have heretofore been the bond of civilized nations, which have so often preserved their peace by furnishing common rules for the measure of their rights, have now given way to force, the law of Barbarians, and the nineteenth century dawns with the Vandalism of the fifth. Nothing has been spared on our part to preserve the peace of our country, during this distempered state of the world. But the difficulties

which involve it are now at their ultimate term, and what will be their issue, time alone will disclose. But be that what it may, a recollection of our former vassalage in religion and civil government will unite the zeal of every heart, and the energy of every hand, to preserve that independence in both, which, under the favor of Heaven, a disinterested devotion to the public cause first achieved, and a disinterested sacrifice of private interests will now maintain.

I am happy in your approbation of my reasons for determining to retire from a station in which the favor of my fellow citizens has so long continued and supported me; and I return your kind prayers by supplications to the same Almighty Being for your future welfare, and that of our beloved country.

TO THE GENERAL MEETING OF CORRESPONDENCE OF THE SIX BAPTIST ASSOCIATIONS REPRESENTED AT CHESTERFIELD, VIRGINIA.

WASHINGTON, November 21, 1808.

Thank you, fellow citizens, for your affectionate address, and I receive with satisfaction your approbation of my motives for retirement. In reviewing the history of the times through which we have passed, no portion of it gives greater satisfaction, on reflection, than that which presents the efforts of the friends of religious freedom, and the success with which they were crowned. We have solved

by fair experiment, the great and interesting question whether freedom of religion is compatible with order in government, and obedience to the laws. And we have experienced the quiet as well as the comfort which results from leaving every one to profess freely and openly those principles of religion which are the inductions of his own reason, and the serious convictions of his own inquiries.

It is a source of great contentment to me to learn that the measures which have been pursued in the administration of your affairs have met your approbation. Too often we have had but a choice among difficulties; and this situation characterizes remarkably the present moment. But, fellow citizens, if we are faithful to our country, if we acquiesce, with good will, in the decisions of the majority, and the nation moves in mass in the same direction, although it may not be that which every individual thinks best, we have nothing to fear from any quarter.

I thank you sincerely for your kind wishes for my welfare, and with equal sincerity implore the favor of a protecting Providence for yourselves.

TO TABER FITCH, CHAIRMAN.

WASHINGTON, November 21, 1808.

SIR,—I have received with great pleasure the address of the republicans of the State of Connecticut, and am particularly sensible of the kindness with which they have viewed my conduct in the

direction of their affairs. Having myself highly approved the example of an illustrious predecessor, in voluntarily retiring from a trust, which, if too long continued in the same hands, might become a subject of reasonable uneasiness and apprehension, I could not mistake my own duty when placed in a similar situation.

Our experience so far, has satisfactorily manifested the competence of a republican government to maintain and promote the best interests of its citizens; and every future year, I doubt not, will contribute to settle a question on which reason, and a knowledge of the character and circumstances of our fellow citizens, could never admit a doubt, and much less condemn them as fit subjects to be consigned to the dominion of wealth and force. Although under the pressure of serious evils at this moment, the governments of the other hemisphere cannot boast a more favorable situation. We certainly do not wish to exchange our difficulties for the sanguinary distresses of our fellow men beyond the water. In a state of the world unparalleled in times past, and never again to be expected, according to human probabilities, no form of government has, so far, better shielded its citizens from the prevailing afflictions. By withdrawing awhile from the ocean we have suffered some loss; but we have gathered home our immense capital. Exposed to foreign depredation, we have saved our seamen from the jails of Europe, and gained

time to prepare for the defence of our country. The questions of submission, of war, or embargo, are now before our country as unembarrassed as at first. Submission and tribute, if that be our choice, will be no baser now than at the date of the embargo. But if, as I trust, that idea be spurned, we may now decide on the other alternatives of war and embargo, with the advantage of possessing all the means which have been rescued from the grasp of capture. These advantages certainly justify the approbation of the embargo declared in your address, and I have no doubt will ensure that of every candid citizen, who will correctly trace the consequences of any other course.

I thank you for the kind concern you are pleased to express for my future happiness, and offer my sincere prayers for your welfare and prosperity.

TO THE YOUNG REPUBLICANS OF PITTSBURG AND ITS VICINITIES.

WASHINGTON, December 2, 1808.

The sentiments which you express in your address of October 27th, of attachment to the rights of your country, of your determination to support them with your lives and fortunes, and of disregard of the inconveniences which must be encountered in resisting insult and aggression, are honorable to yourselves, and encouraging to your country. They are particularly solacing to those who, having labored

faithfully in establishing the right of self-government, see in the rising generation, into whose hands it is passing, that purity of principle, and energy of character, which will protect and preserve it through their day, and deliver it over to their sons as they receive it from their fathers. The measure of a temporary suspension of commerce was adopted to cover us from greater evils. It has rescued from capture an important capital, and our seamen from the jails of Europe. It has given time to prepare for defence, and has shown to the aggressors of Europe that evil, as well as good actions, recoil on the doers. If these evils have involved our inoffending neighbors also, towards whom we have not a sentiment but of friendship and useful intercourse, it results from that state of violence by which the interests of the American hemisphere are directed to the objects of Europe. Endowed by nature with a system of interests and connections of its own, it is drawn from these by the unnatural bonds which enchain its different parts to the conflicting interests and fortunes of another world, and render its inhabitants strangers and enemies, to their neighbors and mutual friends.

Believing that the happiness of mankind is best promoted by the useful pursuits of peace, that on these alone a stable prosperity can be founded, that the evils of war are great in their endurance, and have a long reckoning for ages to

come, I have used my best endeavors to keep our country uncommitted in the troubles which afflict Europe, and which assail us on every side. Whether this can be done longer, is to be doubted. I am happy that so far my conduct meets the approbation of my fellow citizens. It is the highest reward I can receive for my endeavors to serve them; and I am particularly thankful to yourselves for the kind expressions of esteem and confidence, and tender my best wishes for your personal happiness and prosperity.

TO THE SOCIETY OF THE METHODIST EPISCOPAL CHURCH AT PITTSBURG, PENNSYLVANIA.

WASHINGTON, December 9, 1808.

I am much indebted, fellow citizens, for your friendly address of November 20th, and gratified by its expressions of personal regard to myself. Having ever been an advocate for the freedom of religious opinion and exercise, from no person, certainly, was an abridgment of these sacred rights to be apprehended less than from myself.

In justice, too, to our excellent Constitution, it ought to be observed, that it has not placed our religious rights under the power of any public functionary. The power, therefore, was wanting, not less than the will, to injure these rights.

The times in which we live, fellow citizens, are indeed times of trouble, such as no age has yet

seen, or perhaps will ever see again. To avoid their calamitous influence, has been our duty and endeavor, and to effect it, great sacrifices of our citizens have been necessary. They have seen that these necessities were forced by the wrongs of others, and they have met them with the zeal which the crisis called for. What course we are finally to take, cannot yet be foreseen; but reading, reflecting, and examining for yourselves, you will find your public functionaries, according to the best of their judgments, directing your affairs, without passion or partiality, with a single view to your rights and best interests. And it is the approbation of those who so read, reflect, and examine for themselves, which is so truly consoling to the persons charged with the guidance of your affairs. For that portion of your approbation which you are pleased to bestow on my conduct, I am truly thankful, and I offer my sincere prayers for your welfare, and a happy issue of our country from the difficulties impending over it.

TO THE ELECTORS OF THE COUNTY OF ONTARIO, IN THE STATE OF NEW YORK.

WASHINGTON, December 13, 1808.

The wrongs which we have sustained, fellow citizens, from the belligerent powers of Europe, and of which you have taken so just a view in your address, received by me on the 27th of the last

month, could not fail to excite in the bosoms of freemen the sentiments of high indignation expressed by you. The love of peace had long induced us to bear with these aggressions, and the hope of a return to a spirit of justice had encouraged us to persevere in endeavors at amicable adjustment. Their outrages, however, have at length forced us to suspend all intercourse with them, to gather home our resources, and to prepare for whatever may happen. Your approbation of these measures is gratifying to your public functionaries, and the readiness you express to encounter the privations and sacrifices which these aggressions occasion, is honorable to yourselves. The legislature of the nation now assembled together, will decide how long the state of non-intercourse may be preferable to a more serious appeal. The decided support which you tender either of the present, or such other measures as they shall adopt for the good of the Union, and the pledge of your lives, your fortunes and honor for that purpose, are calculated to inspire them with firmness in their deliberations, and an assurance that the result will be supported by their country. The confidence you are so good as to express in the conduct of the administration, is highly gratifying to them, and encourages a perseverance in their best endeavors for the public good. That these may issue in effecting your happiness, and the peace and prosperity of our country, is my sincere prayer.

TO THE CITIZENS OF THE CITY AND COUNTY OF PHILADELPHIA IN TOWN MEETING ASSEMBLED.

WASHINGTON, February 3, 1809.

In the resolutions and address which you have been pleased to present to me, I recognize with great satisfaction the sentiments of faithful citizens, devoted to the maintenance of the rights of their country, to the sacred bond which unites these States together, and rallying round their government in support of its laws. After the intolerable assault on our maritime rights, by the declarations of the belligerent powers, that we should navigate the ocean only as they should permit, the recall of our seamen, recovery of our property abroad, and putting ourselves into a state of defence, should perseverance on their parts force us to the last appeal, were duties to first obligation. No other course was left us but to reduce our navigation within the limits they dictated, and to hold even that subject to such further restrictions as their interests or will should prescribe. To this no friend to the independence of his country should submit.

Your resolution to aid in bringing to justice all violators of the laws of their country, and particularly of the embargo laws, and to be ready at all times to assist in carrying them into effect, is worthy of the patriotism which distinguishes the city and county of Philadelphia. This voluntary support

of laws, formed by persons of our own choice, distinguishes peculiarly the minds capable of self-government. The contrary spirit is anarchy, which of necessity produces despotism. It is from the supporters of regular government only that the pledge of life, fortune, and honor is worthy of confidence.

I learn with great satisfaction your approbation of the several measures passed by the government and enumerated in your address. For the advantages flowing from them you are indebted principally to a wise and patriotic legislature, and to the able and inestimable coadjutors with whom t has been my good fortune to be associated in the direction of your affairs. That these measures may be productive of the ends intended, must be the wish of every friend of his country; and the belief that everything has been done to preserve our peace, secure the rights of our fellow citizens, and to promote their best interests, will be a consolation under every situation to which the great Disposer of events may destine us.

Your approbation of the motives for my retirement from the station so long confided to me, is a confirmation of their correctness. In no office can rotation be more expedient; and none less admits the indulgence of age. I am peculiarly sensible of your kind wishes for my happiness in the tranquillity of retirement. Nothing will contribute more to it than the hope of carrying with me the

approbation of my fellow citizens, of the endeavors which I have faithfully exerted to be useful to them. To the all-protecting favor of Heaven I commit yourselves and our common country.

TO THE LEGISLATURE OF THE STATE OF GEORGIA.

WASHINGTON, February 3, 1809.

The address which the legislature of Georgia, the immediate organ of the will of their constituents, has been pleased to present to me, is received with that high satisfaction which the approbation of so respectable a State is calculated to inspire. During the unexampled contest which has so long afflicted Europe, which has prostrated all the laws which have hitherto been deemed sacred among nations, and have so long constituted the rule of their intercourse, we had vainly hoped that our distance from the scene of carnage, and the invariable justice with which we have conducted ourselves towards all parties, would shield us from its baleful effects. But that commerce indispensably necessary for the exchange of the produce of this great agricultural country for the things which we want, increased by a temporary succession to the commerce of other nations, as being ourselves the only neutrals, has brought us into contact with the lawless belligerents in every sea, and threatens to involve us in the vortex of their contests. The privations for the want of a vent for our produce,

have been the unavoidable result of the edicts of the belligerent powers. Should the measure adopted in consequence of them, and which meets your approbation, still save the lives and property of our brethren from the insults and rapacity of these powers, it will be a fortunate addition to the other benefits derived from it. On the other hand, should our present embarrassments eventuate in war, I am satisfied that the State of Georgia will zealously emulate her sister States in supporting the government of their choice, and in maintaining the rights and interests of the nation. Our soil, our industry, and our numbers, with the bravery which will be engaged in the cause, can never leave us without resources to maintain such a contest.

To no events which can concern the future welfare of my country, can I ever become an indifferent spectator; her prosperity will be my joy, her calamities my affliction.

Thankful for the indulgence with which my conduct has been viewed by the legislature of Georgia, and for the kind expressions of their good will, I supplicate the favor of Heaven towards them and our beloved country.

TO THE SOCIETY OF THE METHODIST EPISCOPAL CHURCH AT NEW LONDON, CONNECTICUT.

WASHINGTON, February 4, 1809.

The approbation you are so good as to express of the measures which have been recommended and

pursued during the course of my administration of the national concerns, is highly acceptable. The approving voice of our fellow citizens, for endeavors to be useful, is the greatest of all earthly rewards.

No provision in our Constitution ought to be dearer to man than that which protects the rights of conscience against the enterprises of the civil authority. It has not left the religion of its citizens under the power of its public functionaries, were it possible that any of these should consider a conquest over the consciences of men either attainable or applicable to any desirable purpose. To me no information could be more welcome than that the minutes of the several religious societies should prove, of late, larger additions than have been usual, to their several associations, and I trust that the whole course of my life has proved me a sincere friend to religious as well as civil liberty.

I thank you for your affectionate good wishes for my future happiness. Retirement has become essential to it; and one of its best consolations will be to witness the advancement of my country in all those pursuits and acquisitions which constitute the character of a wise and virtuous nation; and I offer sincere prayers to Heaven that its benediction may attend yourselves, our country and all its sons.

TO THE GENERAL ASSEMBLY OF VIRGINIA.

WASHINGTON, February 16, 1809.

I receive with peculiar sensibility the affectionate address of the General Assembly of my native State, on my approaching retirement from the office with which I have been honored by the nation at large. Having been one of those who entered into public life at the commencement of an æra the most extraordinary which the history of man has ever yet presented to his contemplation, I claim nothing more, for the part I have acted in it, than a common merit of having, with others, faithfully endeavored to do my duty in the several stations allotted me. In the measures which you are pleased particularly to approve, I have been aided by the wisdom and patriotism of the national legislature, and the talents and virtues of the able coadjutors with whom it has been my happiness to be associated, and to whose valuable and faithful services I with pleasure and gratitude bear witness.

From the moment that to preserve our rights a change of government became necessary, no doubt could be entertained that a republican form was most consonant with reason, with right, with the freedom of man, and with the character and situation of our fellow citizens. To the sincere spirit of republicanism are naturally associated the love of country, devotion to its liberty, its rights, and its honor. Our preference to that form of government

has been so far justified by its success, and the prosperity with which it has blessed us. In no portion of the earth were life, liberty and property ever so securely held; and it is with infinite satisfaction that withdrawing from the active scenes of life, I see the sacred design of these blessings committed to those who are sensible of their value and determined to defend them.

It would have been a great consolation to have left the nation under the assurance of continued peace. Nothing has been spared to effect it; and at no other period of history would such efforts have failed to ensure it. For neither belligerent pretends to have been injured by us, or can say that we have in any instance departed from the most faithful neutrality; and certainly none will charge us with a want of forbearance.

In the desire of peace, but in full confidence of safety from our unity, our position and our resources, I shall retire into the bosom of my native State, endeared to me by every tie which can attach the human heart. The assurances of your approbation, and that my conduct has given satisfaction to my fellow citizens generally, will be an important ingredient in my future happiness; and that the supreme Ruler of the universe may have our country under His special care, will be among the latest of my prayers.

TO THE CITIZENS OF WILMINGTON AND ITS VICINITY IN TOWN MEETING ASSEMBLED.

WASHINGTON, February 16, 1809.

The resolutions which have been entered into by the citizens of Wilmington and its vicinity, are worthy of the well-known patriotism of that place.

The storm which with little intermission has been raging for so many years, which has immolated the ancient dynasties and institutions of Europe, and prostrated the principles of public law heretofore respected, has hitherto been felt but in a secondary degree by us. But threatening at length to involve us in its vortex, it is time for all good citizens to rally round the constituted authorities by a public expression of their determination to support the laws and government of their choice, and to frown into silence all disorganizing movements. Strong in our numbers, our position and resources, we can never be endangered but by schisms at home. It has been the anxious care of the government to preserve the United States from this destructive contest; but whether it can yet be done depends on a return to reason by those who have so long rejected its dictates. On our part, there is no doubt of a continuance of the same desire to conduct the nation quietly through the political storms prevailing, and to lead it in safety through the perils with which we are menaced by the ambition of foreign nations.

I am thankful for the great indulgence with which you have viewed the measures of my administration. Of their wisdom, others must judge; but I may truly say they have been pursued with honest intentions, unbiased by any personal or interested views. It is a consolation to know that the motives for my retirement are approved; and although I withdraw from public functions, I shall continue an anxious spectator of passing events, and offer to Heaven my constant prayers for the preservation of our republic, and especially of those its best principles which secure to all its citizens a perfect equality of rights.

TO JOHN GASSAWAY.

WASHINGTON, February 17, 1809.

SIR,—I have duly received the resolutions of the republican citizens of Annapolis and Anne-Arundel county, of the 4th inst., which you were so kind as to forward to me.

That the aggressions and injuries of the belligerent nations have been the real obstructions which have interrupted our commerce, and now threaten our peace, and that the embargo laws were salutary and indispensably necessary to meet those obstructions, are truths as evident to every candid man, as it is worthy of every good citizen to declare his reprobation of that system of opposition which goes to an avowed and practical resistance of these laws.

To such a resistance I trust that the patriotism of our faithful citizens in no section of the Union will give any countenance. Where the law of majority ceases to be acknowledged, there government ends, the law of the strongest takes its place, and life and property are his who can take them.

I receive with particular pleasure and thankfulness the testimony of the republican citizens of Annapolis and Anne-Arundel, in favor of the course of proceedings during my administration of the public affairs. And I can truly say, in their words, that they have been conducted with the purest regard and devotion to the interests of the people and the national safety and honor; and I pray you, with my acknowledgments for these favorable sentiments, to accept the assurances of my high respect and consideration.

TO CAPTAIN JOSEPH ———, JR.

WASHINGTON, February 17, 1809.

SIR,—The resolutions entered into at a meeting of the officers of the Legionary Brigade of the 1st Division of Massachusetts militia, on the 31st ult., which you have been pleased to forward to me, breathe that spirit of fidelity to our common country which must ever be peculiarly the spirit of its militia, and which renders that the safest and last reliance of a republican nation. The perils with which we have been for some time environed, have

been such as ought to have induced every faithful citizen to unite in support of the rights of his country, laying aside little differences, political or personal, till they might be indulged without hazarding the safety of our country. Assailed in our essential rights by two of the most powerful nations on the globe, we have remonstrated, negotiated, and at length retired to the last stand, in the hope of peaceably preserving our rights. In this extremity I have entire confidence that no part of *the people* in any section of the Union, will desert the banners of their country, and co-operate with the enemies who are threatening its existence. The subscribing officers of the Legionary Brigade have furnished an honorable example of declaring their attachment to the Constitution, the laws, and the Union of the States, that they will at the call of law, rally around the standard of their country, and protect its Constitution, laws, rights and liberties, against all foes. I thank them, in the name of their country, for these patriotic resolutions; the pledge of support they tender will lead them to no more than the honor of a soldier and fidelity of a citizen would of itself require. I salute yourself and the subscribing officers with esteem and respect.

TO THE REPUBLICAN YOUNG MEN OF NEW LONDON, BENJAMIN HEMPSTEAD, CHAIRMAN.

WASHINGTON, February 24, 1809.

The approbation which you are pleased to express of my past administration, is highly gratifying to me. That in a free government there should be differences of opinion as to public measures and the conduct of those who direct them, is to be expected. It is much, however, to be lamented, that these differences should be indulged at a crisis which calls for the undivided councils and energies of our country, and in a form calculated to encourage our enemies in the refusal of justice, and to force their country into war as the only resource for obtaining it.

You do justice to the government in believing that their utmost endeavors have been used to steer us clear of wars with other nations, and honor to yourselves in declaring that if these endeavors prove ineffectual, and your country is called upon to defend its rights and injured honor by an appeal to arms, you will be ready for the contest, and will meet our enemies at the threshold of our country. While prudence will endeavor to avoid this issue, bravery will prepare to meet it.

I thank you, fellow citizens, for your kind expressions of regard for myself, and prayers for my future happiness, and I join in supplications to that Almighty Being who has heretofore guarded our councils, still to continue His gracious benedictions

towards our country, and that yourselves may be under the protection of His divine favor.

TO THE REPUBLICANS OF LOUDON COUNTY, CONVENED AT LEESBURG, FEBRUARY 13, 1809.

WASHINGTON, February 24, 1809.

The measures lately pursued in preference either to war or an ignominious surrender of our rights as an independent people, have undoubtedly produced the beneficial effects of saving our property and seamen, of lengthening the term of our peace, and of giving time for defensive preparations. Other efficacious results would probably have been produced, in a much higher degree, had not the measures been counteracted by unworthy passions. It is still possible that the blessings of peace may be continued to us, should sounder calculations of interest induce a return to justice by the aggressive nations. But should we be disappointed in what ought to be so justly expected, the solemn pledge of life and fortune in vindication of our violated rights received from yourselves as well as from other citizens, leaves us without apprehension as to the issue of any contest into which we may be forced.

I thank you particularly for the approbation you manifest of my conduct and motives, and the kind concern you express for my future happiness, and I beg leave to tender you my best wishes and assurances of respect.

TO HIS EXCELLENCY GOVERNOR DANIEL D. TOMPKINS.[1]

WASHINGTON, February 24, 1809.

SIR,—I received, a few days ago, your Excellency's favor of the 9th inst., covering the patriotic resolutions of the legislature of New York, of the 3d. The times do certainly render it incumbent on all good citizens, attached to the rights and honor of their country, to bury in oblivion all internal differences, and rally around the standard of their country in opposition to the outrages of foreign nations. All attempts to enfeeble and destroy the exertions of the General Government, in vindication of our national rights, or to loosen the bands of union by alienating the affections of the people, or opposing the authority of the laws at so eventful a period, merit the discountenance of all.

The confidence which the legislature expresses in the national administration is highly consolatory, and their determination to support the just rights of their country with their lives and fortunes, are worthy of the high character of the State of New York.

By all, I trust, the Union of these States will ever be considered as the Palladium of their safety, their prosperity and glory, and all attempts to sever it will be frowned on with reprobation and abhorrence. And I have equal confidence, that all moved

[1] Governor of New York.

by the sacred principles of liberty and patriotism will prepare themselves for any crisis we may be able to meet, and will be ready to co-operate with each other, and with the constituted authorities, in resisting and repelling the aggressions of foreign nations.

The legislature may be assured that every exertion will be used to put the United States in the best condition of defence, that we may be fully prepared to meet the dangers which menace the peace of our country. I avail myself with pleasure of every occasion to tender to your Excellency the assurances of my high respect and consideration.

TO GENERAL JAMES ROBERTSON.

WASHINGTON, February 24, 1809.

SIR,—I have duly received your letter covering the resolutions of the citizens of West Tennessee, assembled in the town of Nashville. Every friend of his country must feel the regret and indignation they so laudably express at the unjust and unprecedented measures adopted by the belligerent powers of Europe, violating our maritime rights as a free and independent nation, and compelling us for their preservation to resort to measures the effects of which we must all feel. And all must see with pleasure their honorable declaration against receding from the grounds taken with regard to the belligerent nations, and their reprobation of the sur-

render of any essential points in difference between us and those nations.

Should the embargo be continued, or a non-intercourse be substituted, it is pleasing to know that our fellow citizens will afford every aid in their power to render it effectual; and if war must at length be resorted to, I have entire confidence in their declarations, that as citizen soldiers they will be ready at the call of their country to prove to their enemies that they know how to value and defend their rights.

I am happy to learn their approbation of the measures adopted by the General Government in relation to Great Britain and France, and particularly thankful for the satisfaction they express with the course I have pursued in the discharge of the arduous duties which devolved on me as Chief Magistrate of the United States.

I pray you to accept for yourself and them the assurances of my great respect and consideration.

THE REPUBLICANS OF THE COUNTY OF NIAGARA, CONVENED AT CLARENCE ON THE 26TH OF JANUARY, 1809.

WASHINGTON, February 24, 1809.

The eventful crisis in our national affairs so truly portrayed in your very friendly address, has justly excited your serious attention. The nations of the earth prostrated at the foot of power, the ocean

submitted to the despotism of a single nation, the laws of nature and the usages which have hitherto regulated the intercourse of nations and interposed some restraint between power and right, now totally disregarded. Such is the state of things when the United States are left single-handed to maintain the rights of neutrals, and the principles of public right against a warring world. Under these circumstances, it is a great consolation to receive the assurances of our faithful citizens that they will unite their destiny with their government, will rally under the banners of their country, and with their lives and fortunes, defend and support their civil and religious rights. This declaration, too, is the more honorable from those whose frontier residence will expose them particularly to the inroads of a foe.

I receive with great pleasure your approbation of the impartial neutrality we have so invariably pursued, and of the trying measure of embargo rendered necessary by the belligerent edicts, which has saved our seamen and our property, has given us time to prepare for vindicating our honor and preserving our national independence, and has excited the spirit of manufacturing for ourselves those things which, though we raised the raw material, we have hitherto sought from other countries at the risk of war and rapine.

I thank you for your kind wishes for my future happiness in retiring from public life to the bosom of my family. Nothing will contribute more to it

than the assurance that my fellow citizens approve of my endeavors to serve them, and the hope that we shall be continued in the blessings we have enjoyed under the favor of Heaven.

TO CAPTAIN QUIN MORTON.

WASHINGTON, February 24, 1809.

SIR,—I have duly received your favor tendering the service of fifty citizens of Tennessee as a company of volunteer riflemen. There are two acts of Congress which regulate the acceptances of these tenders; that of the last year (1808) is for a service of six months, and authorizes the Governors to accept; and that of 1807, for a service of twelve months, authorizing the President to accept, who has delegated that power to the Governors of the several States. Under whichever of these, therefore, your tender was meant to be made, I must pray you to repeat it to the Governor of the State; expressing, at the same time, my great satisfaction at the readiness and patriotism with which I see my fellow citizens resort to the standard of their country when danger threatens it. Accept for your company my thanks on the public behalf, and for yourself the assurances of my respect.

TO THE TAMMANY SOCIETY OR COLUMBIAN ORDER OF THE CITY OF WASHINGTON.

WASHINGTON, March 2, 1809.

The observations are but too just which are made in your friendly address, on the origin and progress of those abuses of public confidence and power which have so often terminated in a suppression of the rights of the people, and the mere aggrandizement and emolument of their oppressors. Taught by these truths, and aware of the tendency of power to degenerate into abuse, the worthies of our own country have secured its independence by the establishment of a Constitution and form of government for our nation, calculated to prevent as well as to correct abuse.

Beyond the great water the torch of discord has been long lighted up, and long and unremitting have been the endeavors of the belligerents to immerge us in the evils they were inflicting on each other, and to make us parties in their quarrels. Whether it will be possible much longer to escape these evils, is difficult to decide; but you do me justice in believing that no efforts on my part have been spared to effect this purpose, and to preserve for our nation the blessings of peace.

I learn with sincere pleasure that the measures I have pursued in directing the affairs of our nation have met with approbation. Their sole object has certainly been the good of my fellow citizens, which

sometimes may have been mistaken, but never intentionally disregarded. This approbation is the more valued as being the spontaneous effusion of the feelings of those who have lived in the same city with myself, and having examined carefully and even jealously my conduct through every passing day, bear testimony to their belief in its fidelity.

I am happy, in my retirement, to carry with me your esteem and your prayers for my health, peace, and happiness; and I sincerely supplicate Heaven that your own personal welfare may long make a part of the general prosperity of a great, a free, and a happy people.

TO THE CITIZENS OF WASHINGTON.

WASHINGTON, March 4, 1809.

I received with peculiar gratification the affectionate address of the citizens of Washington, and in the patriotic sentiments it expresses, I see the true character of the national metropolis.

The station which we occupy among the nations of the earth is honorable, but awful. Trusted with the destinies of this solitary republic of the world, the only monument of human rights, and the sole depository of the sacred fire of freedom and self-government, from hence it is to be lighted up in other regions of the earth, if other regions of the earth shall ever become susceptible of its benign influence. All mankind ought then, with us, to

rejoice in its prosperous, and sympathize in its adverse fortunes, as involving everything dear to man. And to what sacrifices of interest, or convenience, ought not these considerations to animate us? To what compromises of opinion and inclination, to maintain harmony and union among ourselves, and to preserve from all danger this hallowed ark of human hope and happiness. That differences of opinion should arise among men, on politics, on religion, and on every other topic of human inquiry, and that these should be freely expressed in a country where all our faculties are free, is to be expected. But these valuable privileges are much prevented when permitted to disturb the harmony of social intercourse, and to lessen the tolerance of opinion. To the honor of society here, it has been characterized by a just and generous liberality, and an indulgence of those affections which, without regard to political creeds, constitute the happiness of life. That the improvement of this city must proceed with sure and steady steps, follows from its many obvious advantages, and from the enterprising spirit of its inhabitants, which promises to render it the fairest seat of wealth and science.

It is very gratifying to me that the general course of my administration is approved by my fellow citizens, and particularly that the motives of my retirement are satisfactory. I part with the powers entrusted to me by my country, as with a burden of heavy bearing; but it is with sincere regret that

I part with the society in which I have lived here. It has been the source of much happiness to me during my residence at the seat of government, and I owe it much for its kind dispositions. I shall ever feel a high interest in the prosperity of the city, and an affectionate attachment to its inhabitants.

TO THE REPUBLICANS OF GEORGETOWN.

WASHINGTON, March 8, 1809.

The affectionate address of the republicans of Georgetown on my retirement from public duty, is received with sincere pleasure. In the review of my political life, which they so indulgently take, if it be found that I have done my duty as other faithful citizens have done, it is all the merit I claim. Our lot has been cast on an awful period of human history. The contest which began with us, which ushered in the dawn of our national existence and led us through various and trying scenes, was for everything dear to free-born man. The principles on which we engaged, of which the charter of our independence is the record, were sanctioned by the laws of our being, and we but obeyed them in pursuing undeviatingly the course they called for. It issued finally in that inestimable state of freedom which alone can ensure to man the enjoyment of his equal rights. From the moment which sealed our peace and independence, our nation has wisely pursued the paths of peace and justice. During

the period in which I have been charged with its concerns, no effort has been spared to exempt us from the wrongs and the rapacity of foreign nations, and with you I feel assured that no American will hesitate to rally round the standard of his insulted country, in defence of that freedom and independence achieved by the wisdom of sages, and consecrated by the blood of heroes.

The favorable testimony of those among whom I have lived, and lived happily as a fellow citizen, as a neighbor, and in the various relations of social life, will enliven the days of my retirement, and be felt and cherished with affection and gratitude.

I thank you, fellow citizens, for your kind prayers for my future happiness. I shall ever retain a lively sense of your friendly attentions, and continue to pray for your prosperity and well being.

TO STEPHEN CROSS, TOPSHAM.

MONTICELLO, March 28, 1809.

To the delegates from the various towns in the county of Essex and Commonwealth of Massachusetts, assembled on the 20th of February, at Topsham.

The receipt of your kind address in the last moments of the session of Congress, will, I trust, offer a just apology for this late acknowledgment of it. I am very sensible of the indulgence with which you are so good as to review the measures

of my late administration, and I feel for that indulgence the sentiments of gratitude it so justly calls for. The stand which has been made on behalf of our seamen enslaved and incarcerated in foreign ships, and against the prostration of our rights on the ocean under laws of nature acknowledged by all civilized nations, was an effort due to the protection of our commerce, and to that portion of our fellow citizens engaged in the pursuits of navigation. The opposition of the same portion to the vindication of their peculiar rights, has been as wonderful as the loyalty of their agricultural brethren in the assertion of them has been disinterested and meritorious. If the honor of the nation can be forgotten, whether the abandonment of the right of navigating the ocean may not be compensated by exemption from the wars it would produce, may be a question for our future councils, which the disclaimer of our navigating citizens may, if continued, relieve from the embarrassment of their rights.

Sincerely and affectionately attached to our national Constitution, as the ark of our safety, and grand Palladium of our peace and happiness, I learn with pleasure that the number of those in the county of Essex, who read and think for themselves, is great, and constituted of men who will never surrender but with their lives, the invaluable liberties achieved by their fathers. Their elevated minds put all to the hazard for a threepenny duty on tea,

by the same nation which now exacts a tribute equal to the value of half our exported produce.

I thank you, fellow citizens, for the kind interest you take in my future happiness, and I sincerely supplicate that overruling Providence which governs the destinies of men and nations, to dispense His choicest blessings on yourselves and our beloved country.

TO THE REPUBLICAN MECHANICS OF THE TOWN OF LEESBURG AND ITS VICINITY, ASSEMBLED ON THE 27TH OF FEBRUARY LAST.

MONTICELLO, March 29, 1809.

The receipt of your kind address in the last moments of the session of Congress, will, I trust, offer a just apology for its late acknowledgment.

Your friendly salutations on the close of my public life, and approbation of the motives which dictated my retirement, are received with great satisfaction.

That there should be a contrariety of opinions respecting the public agents and their measures, and more especially respecting that which recently suspended our commerce and produced temporary privations, is ever to be expected among free men; and I am happy to find you are in the number of those who are satisfied that the course pursued was marked out by our country's interest, and called for by her dearest rights. While the principles

of our Constitution give just latitude to inquiry, every citizen faithful to it will, with you, deem embodied expressions of discontent, and open outrages of law and patriotism, as dishonorable as they are injurious; and there is reason to believe that had the efforts of the government against the innovations and tyranny of the belligerent powers been unopposed among ourselves, they would have been more effectual towards the establishment of our rights.

Unconscious of partiality between the different callings of my fellow citizens, I trust that a fair review of my attention to the interests of commerce in particular, in every station of my political life, will afford sufficient proofs of my just estimation of its importance in the social system. What has produced our present difficulties, and what will have produced the impending war, if that is to be our lot? Our efforts to save the rights of commerce and navigation. From these, solely and exclusively, the whole of our present dangers flow.

With just reprobations of the resistance made or menaced against the laws of our country, I applaud your patriotic resolution to meet hostility to them with the energy and dignity of freemen; and thankful for your solicitude for my health and happiness, I salute you with affectionate sentiments of respect.

TO THE FRIENDS OF THE ADMINISTRATION OF THE UNITED STATES IN BRISTOL COUNTY, RHODE ISLAND.

MONTICELLO, March 29, 1809.

The receipt of your friendly address in the last moments of the session of Congress, will, I trust, offer a just apology for its late acknowledgment.

We have certainly cause to rejoice that since the waves of affliction and peril, raised from the storm of war by the rival belligerents of Europe, have undulated on our shores, the councils of the nation have been able to preserve it from the numerous evils which have awfully menaced, and otherwise might have fallen upon us. How long we may yet retain this desirable position is difficult to be foreseen. But confident I am that as long as it can be done consistently with the honor and interest of our country, it will be maintained by those to whom you have confided the helm of government. A surer pledge for this cannot be found than in the public and private virtues of the successor to the chair of government, which you so justly recognize. Your reflections are certainly correct on the importance of a good administration in a republican government, towards securing to us our dearest rights, and the practical enjoinment of all our liberties; and such an one can never fail to give consolation to the friends of free government, and mortification to its enemies. In retiring from the duties of my

late station, I have the consolation of knowing that such is the character of those into whose hands they are transferred, and of a conviction that all will be done for us which wisdom and virtue can do.

I thank you, fellow citizens, for the kind sentiments of your address, and am particularly gratified by your approbation of the course I have pursued; and I pray Heaven to keep you under its holy favor.

TO THE DEMOCRATIC REPUBLICAN DELEGATES FROM THE TOWNSHIPS OF WASHINGTON COUNTY, IN PENNSYLVANIA, CONVENED ON THE 21ST OF FEBRUARY, 1809.

MONTICELLO, March 31, 1809.

The satisfaction you express, fellow citizens, that my endeavors have been unremitting to preserve the peace and independence of our country, and that a faithful neutrality has been observed towards all the contending powers, is highly grateful to me; and there can be no doubt that in any common times they would have saved us from the present embarrassments, thrown in the way of our national prosperity by the rival powers.

It is true that the embargo laws have not had all the effect in bringing the powers of Europe to a sense of justice, which a more faithful observance of them might have produced. Yet they have had the important effects of saving our seamen and prop-

erty, of giving time to prepare for defence; and they will produce the further inestimable advantage of turning the attention and enterprise of our fellow citizens, and the patronage of our State legislatures, to the establishment of useful manufactures in our country. They will have hastened the day when an equilibrium between the occupations of agriculture, manufactures, and commerce, shall simplify our foreign concerns to the exchange only of that surplus which we cannot consume for those articles of reasonable comfort or convenience which we cannot produce.

Our lot has been cast, by the favor of Heaven, in a country and under circumstances, highly auspicious to our peace and prosperity, and where no pretence can arise for the degrading and oppressive establishments of Europe. It is our happiness that honorable distinctions flow only from public approbation; and that finds no object in titled dignitaries and pageants. Let us then, fellow citizens, endeavor carefully to guard this happy state of things, by keeping a watchful eye over the disaffection of wealth and ambition to the republican principles of our Constitution, and by sacrificing all our local and personal interests to the cultivation of the Union, and maintenance of the authority of the laws.

My warmest thanks are due to you, fellow citizens, for the affectionate sentiments expressed in your address, and my prayers will ever be offered for your welfare and happiness.

TO THE CITIZENS OF ALLEGHANY COUNTY, IN MARYLAND.

MONTICELLO, March 31, 1809.

The sentiments of attachment, respect, and esteem, expressed in your address of the 20th ult., have been read with pleasure, and would sooner have received my thanks, but for the mass of business engrossing the last moments of a session of Congress. I am gratified by your approbation of our efforts for the general good, and our endeavors to promote the best interests of our country, and to place them on a basis firm and lasting. The measures respecting our intercourse with foreign nations were the result, as you suppose, of a choice between two evils, either to call and keep at home our seamen and property, or suffer them to be taken under the edicts of the belligerent powers. How a difference of opinion could arise between these alternatives is still difficult to explain on any acknowledged ground; and I am persuaded, with you, that when the storm and agitation characterizing the present moment shall have subsided, when passion and prejudice shall have yielded to reason its usurped place, and especially when posterity shall pass its sentence on the present times, justice will be rendered to the course which has been pursued. To the advantages derived from the choice which was made will be added the improvements and discoveries made and making in the arts, and

the establishments in domestic manufacture, the effects whereof will be permanent and diffused through our wide-extended continent. That we may live to behold the storm which seems to threaten us, pass like a summer's cloud away, and that yourselves may continue to enjoy all the blessings of peace and prosperity, is my fervent prayer.

TO THE REPUBLICAN CITIZENS OF WASHINGTON COUNTY, MARYLAND, ASSEMBLED AT HAGERSTOWN ON THE 6TH INSTANT.

MONTICELLO, March 31, 1809.

The affectionate sentiments you express on my retirement from the high office conferred upon me by my country, are gratefully received and acknowledged with thankfulness. Your approbation of the various measures which have been pursued, cannot but be highly consolatory to myself, and encouraging to future functionaries, who will see that their honest endeavors for the public good will receive due credit with their constituents. That the great and leading measure respecting our foreign intercourse was the most salutary alternative, and preferable to the submission of our rights as a free and independent republic, or to a war at that period, cannot be doubted by candid minds. Great and good effects have certainly flowed from it, and greater would have been produced, had they not

been, in some degree, frustrated by unfaithful citizens.

If, in my retirement to the humble station of a private citizen, I am accompanied with the esteem and approbation of my fellow citizens, trophies obtained by the blood-stained steel, or the tattered flags of the tented field, will never be envied. The care of human life and happiness, and not their destruction, is the first and only legitimate object of good government.

I salute you, fellow citizens, with every wish for your welfare, and the perpetual duration of our government in all the purity of its republican principles.

TO JAMES HOCHIE, PRESIDENT OF THE ANCIENT PLYMOUTH SOCIETY OF NEW LONDON.

MONTICELLO, April 2, 1809.

SIR,—I have duly received your favor of March 17th, covering resolutions of the Ancient Plymouth Society of New London, approving my conduct, as well during the period of my late administration, as the preceding portion of my public services.

Our lot has been cast in times which called for the best exertions of all our citizens to recover and preserve the rights which nature had given them; and we may say with truth, that the mass of our fellow citizens have performed with zeal and effect the duties called for. If I have been fortunate

enough to give satisfaction in the performance of those allotted to me by our country, I find an ample reward in the assurances of that satisfaction. Possessed of the blessing of self-government, and of such a portion of civil liberty as no other civilized nation enjoys, it now behooves us to guard and preserve them by a continuance of the sacrifices and exertions by which they were acquired, and especially to nourish that Union which is their sole guarantee. I pray you to accept for yourself and your associates the assurances of my high consideration and respect.

TO HIS EXCELLENCY GOVERNOR ROBERT WRIGHT.

MONTICELLO, April 3, 1809.

DEAR SIR,—Your friendly note of March 3d, was delivered to me on that day. You know the pressure of the last moments of a session of Congress, and can judge of that of my own departure from Washington, and of my first attentions here. This must excuse my late acknowledgment of your note. The assurances of your approbation of the course I have observed are highly flattering, and the more so, as you have been sometimes an eye-witness and long of the vicinage of the public councils. The testimony of my fellow citizens, and especially of one who, having been himself in the high departments, to the means of information

[1] Governor of Maryland.

united the qualifications to judge, is a consolation which will sweeten the residue of my life. The fog which arose in the east in the last moments of my service, will doubtless clear away and expose under a stronger light the rocks and shoals which have threatened us with danger. It is impossible the good citizens of the east should not see the agency of England, the tools she employs among them, and the criminal arts and falsehoods of which they have been the dupes. I still trust and pray that our Union may be perpetual, and I beg you to accept the assurances of my high esteem and respect.

TO THE LEGISLATURE OF THE STATE OF NEW YORK.

MONTICELLO, April 12, 1809.

I receive with respect and gratitude, from the legislature of New York, on my retirement from the office of Chief Magistrate of the United States, the assurances of their esteem, and of their satisfaction with the services I have endeavored to render. The welfare of my fellow citizens, and the perpetuation of our republican institutions, having been the governing principles of my public life, the favorable testimony borne by the legislature of a State so respectable as that of New York, gives me the highest consolation. And this is much strengthened by an intimate conviction that the same principles will govern the conduct of my successor, whose talents, and eminent services, are a certain

pledge that the confidence in him expressed by the legislature of New York, will never be disappointed.

Sole depositories of the remains of human liberty, our duty to ourselves, to posterity, and to mankind, call on us by every motive which is sacred or honorable, to watch over the safety of our beloved country during the troubles which agitate and convulse the residue of the world, and to sacrifice to that all personal and local considerations. While the boasted energies of monarchy have yielded to easy conquest the people they were to protect, should our fabric of freedom suffer no more than the slight agitations we have experienced, it will be an useful lesson to the friends as well as the enemies of self-government. That it may stand the shocks of time and accident, and that your own may make a distinguished part of the mass of prosperity it may dispense, will be my latest prayer.

TO THE REPUBLICANS OF QUEEN ANNE'S COUNTY.

MONTICELLO, April 13, 1809.

I have received, fellow citizens, your farewell address, with those sentiments of respect and satisfaction which its very friendly terms are calculated to inspire. With the consciousness of having endeavored to serve my fellow citizens according to their best interests, these testimonies of their good will are the sole and highest remuneration my heart has ever desired.

I am sensible of the indulgence with which you review the measures which have been pursued; and approving our sincere endeavors to observe a strict neutrality with respect to foreign powers. It is with reason you observe that, if hostilities must succeed, we shall have the consolation that justice will be on our side. War has been avoided from a due sense of the miseries, and the demoralization it produces, and of the superior blessings of a state of peace and friendship with all mankind. But peace on our part, and war from others, would neither be for our happiness or honor; and should the lawless violences of the belligerent powers render it necessary to return their hostilities, no nation has less to fear from a foreign enemy.

I thank you, fellow citizens, for your very kind wishes for my happiness, and pray you to accept the assurances of my cordial esteem, and grateful sense of your favor.

TO THE MEMBERS OF THE BAPTIST CHURCH OF BUCK MOUNTAIN IN ALBEMARLE.

MONTICELLO, April 13, 1809.

I thank you, my friends and neighbors, for your kind congratulations on my return to my native home, and on the opportunities it will give me of enjoying, amidst your affections, the comforts of retirement and rest. Your approbation of my con-

duct is the more valued as you have best known me, and is an ample reward for any services I may have rendered. We have acted together from the origin to the end of a memorable Revolution, and we have contributed, each in the line allotted us, our endeavors to render its issue a permanent blessing to our country. That our social intercourse may, to the evening of our days, be cheered and cemented by witnessing the freedom and happiness for which we have labored, will be my constant prayer. Accept the offering of my affectionate esteem and respect.

TO JONATHAN LOW, HARTFORD, CONNECTICUT.

MONTICELLO, April 13, 1809.

SIR,—I received on the 6th instant your favor covering the resolutions of the general meeting of the republicans of the State of Connecticut who had been convened at Hartford; and I see with pleasure the spirit they breathe. They express with truth the wrongs we have sustained, the forbearance we have exercised, and the duty of rallying round the constituted authorities, for the protection of our Union. Surrounded by such difficulties and dangers, it is really deplorable that any should be found among ourselves vindicating the conduct of the aggressors; co-operating with them in multiplying embarrassments to their own country, and

encouraging disobedience to the laws provided for its safety. But a spirit which should go further, and countenance the advocates for a dissolution of the Union, and for setting in hostile array one portion of our citizens against another, would require to be viewed under a more serious aspect. It would prove indeed that it is high time for every friend to his country, in a firm and decided manner, to express his sentiments of the measures which government has adopted to avert the impending evils, unhesitatingly to pledge himself for the support of the laws, liberties and independence of his country; and, with the general meeting of the republicans of Connecticut, to resolve that, for the preservation of the Union, the support and enforcement of the laws, and for the resistance and repulsion of every enemy, they will hold themselves in readiness, and put at stake, if necessary, their lives and fortunes, on the pledge of their sacred honor.

With my thanks for the mark of attention in making this communication, I pray you to accept for yourself and my respectable fellow citizens from whom it proceeds, the assurance of my high consideration, and my prayers for their welfare.

TO THE TAMMANY SOCIETY OF THE CITY OF BALTIMORE.

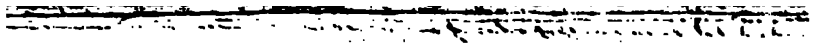
MONTICELLO, May 25, 1809.

Your free and cordial salutations in my retirement are received, fellow citizens, with great pleasure, and the happiness of that retirement is much heightened by assurances of satisfaction with the course I have pursued in the transaction of the public affairs, and that the confidence my fellow citizens were pleased to repose in me, has not been disappointed.

Great sacrifices of interest have certainly been made by our nation under the difficulties latterly forced upon us by transatlantic powers. But every candid and reflecting mind must agree with you, that while these were temporary and bloodless, they were calculated to avoid permanent subjection to foreign law and tribute, relinquishment of independent rights, and the burdens, the havoc, and desolations of war. That these will be ultimately avoided, we have now some reason to hope; and the successful example of recalling nations to the practice of justice by peaceable appeals to their interests, will doubtless have salutary effects on our future course. As a countervail, too, to our shortlived sacrifices, when these shall no longer be felt, we shall permanently retain the benefit they have prompted, of fabricating for our own use the materials of our own growth, heretofore carried

to the work-houses of Europe, to be wrought and returned to us.

The hope you express that my successor will continue in the same system of measures, is guaranteed, as far as future circumstances will permit, by his enlightened and zealous participation in them heretofore, and by the happy pacification he is now effecting for us. Your wishes for my future happiness are very thankfully felt, and returned by the sincerest desires that yourselves may experience the favors of the great Dispenser of all good.



The Hall at Monticello

Reproduced from a Photograph

Probably the principal architectural feature of the quaint and beautiful interior of Monticello is the hall. It is in the centre of the house and is thirty feet square. The ceiling extends beyond the second story. Half way around the hall, level with the second story, runs a gallery with slender white railings.

The Hi[illegible]

Pepe[illegible]

Probably the principal archi[illegible]
interior of Montecello is the h[illegible]
Trinity last square. The ce[illegible]
way around the hall, [illegible]
der white railings.

INDIAN ADDRESSES.

INTRODUCTORY NOTE.—The "Indian Addresses" of Jefferson possess a peculiar interest as exhibiting the humane attitude of the United States Government towards the Indians. They also exhibit the various efforts that were made to civilize them, to induce them to become agriculturists, and to keep them, so far as possible, in a state of peace. Furthermore, these Addresses present documentary evidence of the manner in which lands were acquired from the Indians, not by force or coercion, but by fair purchase, and with their own free consent.

INDIAN ADDRESSES.

CHARLOTTESVILLE, June, 1781.

To Brother John Baptist de Coigne:—

Brother John Baptist de Coigne,—I am very much pleased with the visit you have made us, and particularly that it has happened when the wise men from all parts of our country were assembled together in council, and had an opportunity of hearing the friendly discourse you held to me. We are all sensible of your friendship, and of the services you have rendered, and I now, for my countrymen, return you thanks, and, most particularly, for your assistance to the garrison which was besieged by the hostile Indians. I hope it will please the Great Being above to continue you long in life, in health and in friendship to us; and that your son will afterwards succeed you in wisdom, in good disposition, and in power over your people. I consider the name you have given as particularly honorable to me, but I value it the more as it proves your attachment to my country. We, like you, are Americans, born in the same land, and having the same interests. I have carefully attended to the figures represented on the skins, and to their expla-

nation, and shall always keep them hanging on the walls in remembrance of you and your nation. I have joined with you sincerely in smoking the pipe of peace; it is a good old custom handed down by your ancestors, and as such I respect and join in it with reverence. I hope we shall long continue to smoke in friendship together. You find us, brother, engaged in war with a powerful nation. Our forefathers were Englishmen, inhabitants of a little island beyond the great water, and, being distressed for land, they came and settled here. As long as we were young and weak, the English whom we had left behind, made us carry all our wealth to their country, to enrich them; and, not satisfied with this, they at length began to say we were their slaves, and should do whatever they ordered us. We were now grown up and felt ourselves strong; we knew we were free as they were, that we came here of our own accord and not at their biddance, and were determined to be free as long as we should exist. For this reason they made war on us. They have now waged that war six years, and have not yet won more land from us than will serve to bury the warriors they have lost. Your old father, the King of France, has joined us in the war, and done many good things for us. We are bound forever to love him, and wish you to love him, brother, because he is a good and true friend to us. The Spaniards have also joined us, and other powerful nations are now entering into the war to punish the

robberies and violences the English have committed on them. The English stand alone, without a friend to support them, hated by all mankind because they are proud and unjust. This quarrel, when it first began, was a family quarrel between us and the English, who were then our brothers. We, therefore, did not wish you to engage in it at all. We are strong enough of ourselves without wasting your blood in fighting our battles. The English, knowing this, have been always suing to the Indians to help them fight. We do not wish you to take up the hatchet. We love and esteem you. We wish you to multiply and be strong. The English, on the other hand, wish to set you and us to cutting one another's throats, that when we are dead they may take all our land. It is better for you not to join in this quarrel, unless the English have killed any of your warriors or done you any other injury. If they have, you have a right to go to war with them, and revenge the injury, and we have none to restrain you. Any free nation has a right to punish those who have done them an injury. I say the same, brother, as to the Indians who treat you ill. While I advise you, like an affectionate friend, to avoid unnecessary war, I do not assume the right of restraining you from punishing your enemies. If the English have injured you, as they have injured the French and Spaniards, do like them and join us in the war. General Clarke will receive you and show you the way to their towns. But if

they have not injured you, it is better for you to lie still and be quiet. This is the advice which has been always given by the great council of the Americans. We must give the same, because we are but one of thirteen nations, who have agreed to act and speak together. These nations keep a council of wise men always sitting together, and each of us separately follow their advice. They have the care of all the people and the lands between the Ohio and Mississippi, and will see that no wrong be committed on them. The French settled at Kaskaskias, St. Vincennes, and the Cohos, are subject to that council, and they will punish them if they do you any injury. If you will make known to me any just cause of complaint against them, I will represent it to the great council at Philadelphia, and have justice done you.

Our good friend, your father, the King of France, does not lay any claim to them. Their misconduct should not be imputed to him. He gave them up to the English the last war, and we have taken them from the English. The Americans alone have a right to maintain justice in all the lands on this side the Mississippi,—on the other side the Spaniards rule. You complain, brother, of the want of goods for the use of your people. We know that your wants are great, notwithstanding we have done everything in our power to supply them, and have often grieved for you. The path from hence to Kaskaskias is long and dangerous; goods cannot

be carried to you in that way. New Orleans has been the only place from which we could get goods for you. We have bought a great deal there; but I am afraid not so much of them have come to you as we intended. Some of them have been sold of necessity to buy provisions for our posts. Some have been embezzled by our own drunken and roguish people. Some have been taken by the Indians and many by the English.

The Spaniards, having now taken all the English posts on the Mississippi, have opened that channel free for our commerce, and we are in hopes of getting goods for you from them. I will not boast to you, brother, as the English do, nor promise more than we shall be able to fulfil. I will tell you honestly, what indeed your own good sense will tell you, that a nation at war cannot buy so many goods as when in peace. We do not make so many things to send over the great waters to buy goods, as we made and shall make again in time of peace. When we buy those goods, the English take many of them, as they are coming to us over the great water. What we get in safe, are to be divided among many, because we have a great many soldiers, whom we must clothe. The remainder we send to our brothers the Indians, and in going, a great deal of it is stolen or lost. These are the plain reasons why you cannot get so much from us in war as in peace. But peace is not far off. The English cannot hold out long, because all the world is against them. When that takes

place, brother, there will not be an Englishman left on this side the great water. What will those foolish nations then do, who have made us their enemies, sided with the English, and laughed at you for not being as wicked as themselves? They are clothed for a day, and will be naked forever after; while you, who have submitted to short inconvenience, will be well supplied through the rest of your lives. Their friends will be gone and their enemies left behind; but your friends will be here, and will make you strong against all your enemies. For the present you shall have a share of what little goods we can get. We will order some immediately up the Mississippi for you and for us. If they be little, you will submit to suffer a little as your brothers do for a short time. And when we shall have beaten our enemies and forced them to make peace, we will share more plentifully. General Clarke will furnish you with ammunition to serve till we can get some from New Orleans. I must recommend to you particular attention to him. He is our great, good, and trusty warrior; and we have put everything under his care beyond the Alleghanies. He will advise you in all difficulties, and redress your wrongs. Do what he tells you, and you will be sure to do right. You ask us to send schoolmasters to educate your son and the sons of your people. We desire above all things, brother, to instruct you in whatever we know ourselves. We wish to learn you all our arts and to

make you wise and wealthy. As soon as there is peace we shall be able to send you the best of school-masters; but while the war is raging, I am afraid it will not be practicable. It shall be done, however, before your son is of an age to receive instruction.

This, brother, is what I had to say to you. Repeat it from me to all your people, and to our friends, the Kickapous, Piorias, Piankeshaws and Wyattanons. I will give you a commission to show them how much we esteem you. Hold fast the chain of friendship which binds us together, keep it bright as the sun, and let them, you and us, live together in perpetual love.

Speeches of John Baptist de Coigne, Chief of the Wabash and Illinois Indians, and other Indian Chiefs.

Thomas Jefferson has the honor to send to the President the speech of De Coigne, written at length from his notes very exactly. He thinks he can assure the President that not a sentiment delivered by the French interpreter is omitted, nor a single one inserted which was not expressed. It differs often from what the English interpreter delivered, because he varied much from the other, who alone was regarded by Thomas Jefferson.

February 1, 1793. The President having addressed the chiefs of the Wabash and Illinois Indians, John Baptist De Coigne, chief of Kaskaskia, spoke as follows:—

FATHER,—I am about to open to you my heart. I salute first the Great Spirit, the Master of life, and then you.

I present you a black pipe on the death of chiefs who have come here and died in your bed. It is the calumet of the dead—take it and smoke it in remembrance of them. The dead pray you to listen to the living, and to be their friends. They are gone, we cannot recall them. Let us then be contented; for, as you have said, to-morrow, perhaps, it may be our turn. Take then their pipe, and as I have spoken for the dead, let me now address you for the living. [He delivered the black pipe.]

[Here Three-Legs, a Piankeshaw chief, came forward and carried round a white pipe, from which every one smoked.]

John Baptist De Coigne spoke again:

Father,—The sky is now cleared. I am about to open my heart to you again. I do it in the presence of the Great Spirit, and I pray you to attend.

You have heard the words of our father, General Putnam. We opened our hearts to him, we made peace with him, and he has told you what we said.

This pipe is white, I pray you to consider it as of the Wyattanons, Piankeshaws, and the people of Eel river. The English at Detroit are very jealous of our father. I have used my best endeavors to keep all the red men in friendship with you, but they have drawn over the one-half, while I have kept the other. Be friendly then to those I have kept.

I have long known you, General Washington, the Congress, Jefferson, Sinclair. I have labored constantly for you to preserve peace.

You see your children on this side, [pointing to the friends of the dead chief,] they are now orphans. Take care, then, of the orphans of our dead friends.

Father,—Your people of Kentucky are like mosquitos, and try to destroy the red men. The red men are like mosquitos also, and try to injure the people of Kentucky. But I look to you as to a good being. Order your people to be just. They are always trying to get our lands. They come on our lands, they hunt on them; kill our game, and kill us. Keep them then on one side of the line, and us on the other. Listen, father, to what we say, and protect the nations of the Wabash and Mississippi in their lands.

The English have often spoken to me, but I shut my ears to them. I despise their money, it is nothing to me. I am attached to my lands. I love to eat in tranquillity, and not like a bird on a bough.

The Piankeshaws, Wyattonons, Wiaws, and all the Indians of the Mississipp and Wabash, pray you to open your heart and ears to them, and as you befriend them, to give them Captain Prior for their father. We love him, men, women, and children of us. He has always been friendly to us, always taken care of us, and you cannot give us a better proof of your friendship than in leaving him with us.

[Here Three-Legs handed round the white pipe to be smoked.] De Coigne, then, taking a third pipe, proceeded:

This pipe, my father, is sent you by the great chief of all the Wiaws, called Crooked-Legs. He is old, infirm, and cannot walk, therefore is not come. But he prays you to be his friend, and to take care of his people. He tells you there are many red people jealous of you, but you need not fear them. If he could have walked he would have come; but he is old and sick, and cannot walk. The English have a sugar mouth, but Crooked-Legs would never listen to them. They threatened us to send the red men to cut off him and his people, and they sent the red men who threatened to do it, unless he would join the English. But he would not join them.

The chiefs of the Wabash, father, pray you to listen. They send you this pipe from afar. Keep your children quiet at the Falls of Ohio. We know you are the head of all. We appeal to you. Keep the Americans on one side of the Ohio, from the falls downwards, and us on the other; that we may have something to live on according to your agreement in the treaty which you have. And do not take from the French the lands we have given them.

Old Crooked-Legs sends you this pipe, [here he presented it,] and he prays you to send him Captain Prior for his father, for he is old, and you ought to do this for him.

Father,—I pray you to listen. So far I have spoken for others, and now will speak for myself. I am of Kakaskia, and have always been a good American from my youth upwards. Yet the Kentuckians take my lands, eat my stock, steal my horses, kill my game, and abuse our persons. I come far with all these people. My nation is not numerous. No people can fight against you, father, but the great God Himself. All the red men together cannot do it; but have pity on us. I am now old. Do not let the Kentuckians take my lands nor injure me, but give me a line to them to let me alone.

Father,—The Wyattanons, Piankeshaws, Piorias, Powtewatamies, Mosquitoes, Kaskaskias, have now made a road to you. It is broad and white. Take care of it then, and keep it open.

Father,—You are powerful. You said you would wipe away our tears. We thank you for this. Be firm, and take care of your children.

The hatchet has been long buried. I have been always for peace. I have done what I could, given all the money I had to procure it.

The half of my heart, father, is black. I brought the Piorias to you. Half of them are dead. I fear they will say it was my fault; but, father, I look upon you, my heart is white again, and I smile.

The Shawanese, the Delawares, and the English, are always persuading us to take up the hatchet against you, but I have been always deaf to their words. [Here he gave a belt.]

Great Joseph who came with us is dead. Have compassion on his niece, his son-in-law, and his chiefs, [pointing to them.] It is a dead man who speaks to you, father; accept, therefore, these black beads. [Here he presented several strands of dark colored beads.] I have now seen General Washington, I salute and regard him next after the Great Spirit.

Como, a Powtewatamy chief, then said, that as the President had already been long detained, and the hour was advanced, he would resume what he had to say at another day.

Shawas, the Little Doe, a Kickapou chief, though very sick, had attended the conference, and now carried the pipe round to be smoked. He then addressed the President.

Father,—I am still very ill, and unable to speak. I am a Kickapou, and drink of the waters of the Wabash and Mississippi. I have been to the Wabash and treatied with General Putnam, and I came not to do ill, but to make peace. Send to us Captain Prior to be our father, and no other. He possesses all our love.

Father,—I am too ill to speak. You will not forget what the others have said.

February 2.—The day being cloudy, the Indians did not choose to meet.

February 4.—The morning was cloudy, they gave notice that if it should clear up they would attend

at the President's at 2 o'clock. Accordingly, the clouds having broke away about noon, they attended a little after 2, except Shawas and another, who were sick, and one woman.

Como, a Powtewatamy chief, spoke.

Father,—I am opening my heart to speak to you, open yours to receive my words. I first address you from a dead chief, who when he was about to die, called us up to him and charged us never to part with our lands. So I have done for you, my children, and so do you for yours. For what have we come so far? Not to ruin our nation, nor yet that we might carry goods home to our women and children; but to procure them lasting good, to open a road between them and the whites, solicit our father to send Captain Prior to us. He has taken good care of us, and we all love him.

Now, father, I address you for our young people, but there remains not much to say, for I spoke to you through General Putnam, and you have what I said on paper. I have buried the hatchet forever, so must your children. I speak the truth, and you must believe me. We all pray you to send Captain Prior to us, because he has been so very kind to us all. [Here he delivered strands of dark colored beads.]

Father,—Hear me and believe me. I speak the truth, and from my heart; receive my words then into yours. I am come from afar for the good of my women and children, for their present and future good. When I was at home in the midst of them,

my heart sunk within me, I saw no hope for them. The heavens were gloomy and lowering, and I could not tell why. But General Putnam spoke to us, and called us together. I rejoiced to hear him, and determined immediately to come and see my father. Father, I am happy to see you. The heavens have cleared away, the day is bright, and I rejoice to hear your voice. These beads [holding up a bundle of white strands] are a road between us. Take you hold at one end, I will at the other, and hold it fast. I will visit this road every day, and sweep it clean. If any blood be on it, I will cover it up; if stumps, I will cut them out. Should your children and mine meet in this road they shall shake hands and be good friends. Some of the Indians who belong to the English will be trying to sow harm between us, but we must be on our guard and prevent it.

Father,—I love the land on which I was born, the trees which cover it, and the grass growing on it. It feeds us well. I am not come here to ask gifts. I am young, and by hunting on my own land, can kill what I want and feed my women and children in plenty. I come not to beg. But if any of your traders would wish to come among us, let them come. For who will hurt them? Nobody, I will be there before them.

Father,—I take you by the hand with all my heart. I will never forget you; do not you forget me.

[Here he delivered the bundle of white strands.]

The Little Beaver, a Wyattanon, on the behalf of Crooked-Legs, handed round the pipe, and then spoke.

Father,—Listen now to me as you have done to others. I am not a very great chief; I am a chief of war, and leader of the young people.

Father,—I wished much to hear you; you have spoken comfort to us, and I am happy to have heard it. The sun has shone out, and all is well. This makes us think it was the Great Spirit speaking truth through you. Do then what you have said, restrain your people if they do wrong, as we will ours if they do wrong.

Father,—We gave to our friend (Prior) who came with us, our name of Wyattanon, and he gave us his name of American. We are now Americans, give him then unto us as a father. He has loved us and taken care of us. He had pity on our women and children, and fed them. Do not forget to grant us this request. You told us to live in quiet, and to do right. We will do what you desire, and let Prior come to us.

Now that we have come so far to hear you, write a line to your people to keep the river open between us, that we may go down in safety, and that our women and children may work in peace. When I go back, I will bear to them good tidings, and our young men will no longer hunt in fear for the support of our women and children.

Father,—All of us who have heard you are made

happy, all are in the same sentiment with me, all are satisfied. Be assured that, when we return, the Indians and Americans will be one people, will hunt, and play, and laugh together. For me, I never will depart one step from Prior. We are come from afar to make a stable peace, to look forward to our future good. Do not refuse what we solicit, we will never forget you.

Here I will cease. The Father of life might otherwise think I babbled too much, and so might you. I finish then, in giving you this pipe. It is my own, and for myself alone. I am but a warrior. I give it to you to smoke in. Let its fumes ascend to the Great Spirit in heaven.

[He delivered the pipe to the President.]

The wife of the soldier, a Wyattanon, speaks:

Father,—I take you by the hand with all my heart because you have spoken comfort to us. I am but a woman, yet you must listen.

The village chiefs, and chiefs of war, have opened their bodies and laid naked their hearts to you. Let them too see your heart and listen to them.

We have come, men and women, from afar to beseech you to let no one take our lands. That is one of our children, [pointing to General Putnam.] It was he who persuaded us to come. We thought he spoke the truth, we came, and we hope that good will come of it.

Father,—We know you are strong, have pity on us. Be firm in your words. They have given

us courage. The Father of life has opened our hearts on both sides for good.

He who was to have spoken to you is dead, Great Joseph. If he had lived you would have heard a good man, and good words flowing from his mouth. He was my uncle, and it has fallen to me to speak for him. But I am ignorant. Excuse, then, these words, it is but a woman who speaks.

[She delivers white strands.]

Three-Legs, a Piankeshaw, spoke.

I speak for a young chief whom I have lost here. He came to speak to you, father, but he had not that happiness. He died. I am not a village chief, but only a chief of war.

We are come to seek all our good, and to be firm in it. If our father is firm, we will be so. It was a dark and gloomy day in which I lost my young chief. The Master of life saw that he was good, and called him to Himself. We must submit to His will. [He gave a black strand.] I pray you all who are present to say, as one man, that our peace is firm, and to let it be firm. Listen to us if you love us. We live on the river on one side, and shall be happy to see Captain Prior on the other, and to have a lasting peace. Here is our father Putnam. He heard me speak at Au Porte. If I am false let him say so.

My land is but small. If any more be taken from us, I will come again to you and complain, for we shall not be able to live. Have pity on us, father.

You have many red children there, and they have little whereon to live. Leave them land enough to labor, to hunt, and to live on, and the lands which we have given to the French, let them be to them forever.

Father,—We are very poor, we have traders among us, but they will sell too dear. We have not the means of supplying our wants at such prices. Encourage your traders then to come, and to bring us guns, powder, and other necessaries, and send Captain Prior also to us.

[He gave a string of white beads.] De Coigne spoke:

Jefferson, I have seen you before, and we have spoken together. Sinclair, we have opened our hearts to one another. Putnam, we did the same at Au Porte.

Father,—You have heard these three speak of me, and you know my character. The times are gloomy in my town. We have no commander, no soldier, no priest. Have you no concern for us, father? If you have, put a magistrate with us to keep the peace. I cannot live so. I am of French blood. When there are no priests among us we think that all is not well. When I was small we had priests, now that I am old we have none; am I to forget, then, how to pray? Have pity on me and grant what I ask. I have spoken on your behalf to all the nations. I am a friend to all, and hurt none. For what are we on this earth? But

as a small and tender plant of corn; even as nothing. God has made this earth for you as well as for us; we are then but as one family, and if any one strikes you, it is as if he had struck us. If any nation strikes you, father, we will let you know what nation it is.

Father,—We fear the Kentuckians. They are headstrong, and do us great wrong. They are not content to come on our lands, to hunt on them, to steal and destroy our stocks, as the Shawanese and Delawares do, but they go further, and abuse our persons. Forbid them to do so. Sinclair, you know that the Shawanese and Delawares came from the Spanish side of the river, destroyed our corn, and killed our cattle. We cannot live if things go so.

Father,—You are rich, you have all things at command, you want for nothing, you promised to wipe away our tears. I commend our women and children to your care.

[He gave strands of white beads.]

The President then assured them that he would take in consideration what they had said, and would give them an answer on another day; whereupon the conference ended for the present.

WASHINGTON, January 7, 1802.

Brothers and friends of the Miamis, Powtewatamies, and Weeauks:—

I receive with great satisfaction the visit you have been so kind as to make us at this place, and I thank the Great Spirit who has conducted you to us in health and safety. It is well that friends should sometimes meet, open their minds mutually, and renew the chain of affection. Made by the same Great Spirit, and living in the same land with our brothers, the red men, we consider ourselves as of the same family; we wish to live with them as one people, and to cherish their interests as our own. The evils which of necessity encompass the life of man are sufficiently numerous. Why should we add to them by voluntarily distressing and destroying one another? Peace, brothers, is better than war. In a long and bloody war, we lose many friends, and gain nothing. Let us then live in peace and friendship together, doing to each other all the good we can. The wise and good on both sides desire this, and we must take care that the foolish and wicked among us shall not prevent it. On our part, we shall endeavor in all things to be just and generous towards you, and to aid you in meeting those difficulties which a change of circumstances is bringing on. We shall, with great pleasure, see your people become disposed to cultivate the earth, to raise herds of the useful animals, and to spin and weave, for their food and clothing. These resources

are certain; they will never disappoint you: while those of hunting may fail, and expose your women and children to the miseries of hunger and cold. We will with pleasure furnish you with implements for the most necessary arts, and with persons who may instruct you how to make and use them.

I consider it as fortunate that you have made your visit at this time, when our wise men from the sixteen States are collected together in council, who being equally disposed to befriend you, can strengthen our hands in the good we all wish to render you.

The several matters you opened to us in your speech the other day, and those on which you have since conversed with the Secretary of War, have been duly considered by us. He will now deliver answers, and you are to consider what he says, as if said by myself, and that what we promise we shall faithfully perform.

WASHINGTON, February 10, 1802.

Brothers of the Delaware and Shawanee nations:—

I thank the Great Spirit that he has conducted you hither in health and safety, and that we have an opportunity of renewing our amity, and of holding friendly conference together. It is a circumstance of great satisfaction to us that we are in peace and good understanding with all our red brethren, and that we discover in them the same disposition to

continue so which we feel ourselves. It is our earnest desire to merit, and possess their affections, by rendering them strict justice, prohibiting injury from others, aiding their endeavors to learn the culture of the earth, and to raise useful animals, and befriending them as good neighbors, and in every other way in our power. By mutual endeavors to do good to each other, the happiness of both will be better promoted than by efforts of mutual destruction. We are all created by the same Great Spirit; children of the same family. Why should we not live then as brothers ought to do?

I am peculiarly gratified by receiving the visit of some of your most ancient and greatest warriors, of whom I have heard much good. It is a long journey which they have taken at their age, and in this season, and I consider it as a proof that their affections for us are sincere and strong. I hope that the young men, who have come with them, to make acquaintance with us, judging our dispositions towards them by what they see themselves, and not what they may hear from others, will go hand in hand with us, through life, in the cultivation of mutual peace, friendship, and good offices.

The speech which the Blackhoof delivered us, in behalf of your nation, has been duly considered. The answer to all its particulars will now be delivered you by the Secretary of War. Whatever he shall say, you may consider as if said by myself, and that what he promises our nation will perform.

WASHINGTON, November 3, 1802.

To Brother Handsome Lake:—

I have received the message in writing which you sent me through Captain Irvine, our confidential agent, placed near you for the purpose of communicating and transacting between us, whatever may be useful for both nations. I am happy to learn you have been so far favored by the Divine Spirit as to be made sensible of those things which are for your good and that of your people, and of those which are hurtful to you; and particularly that you and they see the ruinous effects which the abuse of spirituous liquors have produced upon them. It has weakened their bodies, enervated their minds, exposed them to hunger, cold, nakedness, and poverty, kept them in perpetual broils, and reduced their population. I do not wonder then, brother, at your censures, not only on your own people, who have voluntarily gone into these fatal habits, but on all the nations of white people who have supplied their calls for this article. But these nations have done to you only what they do among themselves. They have sold what individuals wish to buy, leaving to every one to be the guardian of his own health and happiness. Spirituous liquors are not in themselves bad, they are often found to be an excellent medicine for the sick; it is the improper and intemperate use of them, by those in health, which makes them injurious. But

as you find that your people cannot refrain from an ill use of them, I greatly applaud your resolution not to use them at all. We have too affectionate a concern for your happiness to place the paltry gain on the sale of these articles in competition with the injury they do you. And as it is the desire of your nation, that no spirits should be sent among them, I am authorized by the Great Council of the United States to prohibit them. I will sincerely cooperate with your wise men in any proper measures for this purpose, which shall be agreeable to them.

You remind me, brother, of what I said to you, when you visited me the last winter, that the lands you then held would remain yours, and shall never go from you but when you should be disposed to sell. This I now repeat, and will ever abide by. We, indeed, are always ready to buy land; but we will never ask but when you wish to sell; and our laws, in order to protect you against imposition, have forbidden individuals to purchase lands from you; and have rendered it necessary, when you desire to sell, even to a State, that an agent from the United States should attend the sale, see that your consent is freely given, a satisfactory price paid, and report to us what has been done, for our approbation. This was done in the late case of which you complain. The deputies of your nation came forward, in all the forms which we have been used to consider as evidence of the will of your nation.

They proposed to sell to the State of New York certain parcels of land, of small extent, and detached from the body of your other lands; the State of New York was desirous to buy. I sent an agent, in whom we could trust, to see that your consent was free, and the sale fair. All was reported to be free and fair. The lands were your property. The right to sell is one of the rights of property. To forbid you the exercise of that right would be a wrong to your nation. Nor do I think, brother, that the sale of lands is, under all circumstances, injurious to your people. While they depended on hunting, the more extensive the forest around them, the more game they would yield. But going into a state of agriculture, it may be as advantageous to a society, as it is to an individual, who has more land than he can improve, to sell a part, and lay out the money in stocks and implements of agriculture, for the better improvement of the residue. A little land well stocked and improved, will yield more than a great deal without stock or improvement. I hope, therefore, that on further reflection, you will see this transaction in a more favorable light, both as it concerns the interest of your nation, and the exercise of that superintending care which I am sincerely anxious to employ for their subsistence and happiness. Go on then, brother, in the great reformation you have undertaken. Persuade our red brethren then to be sober, and to cultivate their lands; and their women to spin and weave

for their families. You will soon see your women and children well fed and clothed, your men living happily in peace and plenty, and your numbers increasing from year to year. It will be a great glory to you to have been the instrument of so happy a change, and your children's children, from generation to generation, will repeat your name with love and gratitude forever. In all your enterprises for the good of your people, you may count with confidence on the aid and protection of the United States, and on the sincerity and zeal with which I am myself animated in the furthering of this humane work. You are our brethren of the same land; we wish your prosperity as brethren should do. Farewell.

WASHINGTON, January 8, 1803.

Brothers Miamis and Delawares:—

I am happy to see you here, to take you by the hand, and to renew the assurances of our friendship. The journey which you have taken is long; but it leads to a right understanding of what either of us may have misunderstood; it will be useful for all. For, living in the same land, it is best for us all that we should live together in peace, friendship, and good neighborhood.

I have taken into serious consideration the several subjects on which you spoke to me the other day, and will now proceed to answer them severally.

You know, brothers, that, in ancient times, your former fathers, the French, settled at Vincennes, and lived and traded with your ancestors, and that those ancestors ceded to the French a tract of country, on the Wabash river, seventy leagues broad, and extending in length from Point Coupee to the mouth of White river. The French, at the close of a war between them and the English, ceded this country to the English; who, at the close of a war between them and us, ceded it to us. The remembrance of these transactions is well preserved among the white people; they have been acknowledged in a deed signed by your fathers; and you also, we suppose, must have heard it from them. Sincerely desirous to live in peace and brotherhood with you, and that the hatchet of war may never again be lifted, we thought it prudent to remove from between us whatever might at any time produce misunderstanding. The unmarked state of our boundaries, and mutual trespasses on each others' lands, for want of their being known to all our people, have at times threatened our peace. We therefore instructed Governor Harrison to call a meeting of the chiefs of all the Indian nations around Vincennes, and to propose that we should settle and mark the boundary between us. The chiefs of these nations met. They appeared to think hard that we should claim the whole of what their ancestors had ceded and sold to the white men, and proposed to mark off for us from Point Coupee to the mouth of White

river, a breadth of twenty-four leagues only, instead of seventy. His offer was a little more than a third of our right. But the desire of being in peace and friendship with you, and of doing nothing which should distress you, prevailed in our minds, and we agreed to it. This was the act of the several nations, original owners of the soil, and by men duly authorized by the body of those nations. You, brothers, seem not to have been satisfied with it. But it is a rule in all countries that what is done by the body of a nation must be submitted to by all its members. We have no right to alter, on a partial deputation, what we have settled by treaty with the body of the nations concerned. The lines too, which are agreed on, are to be run and marked in the presence of your chiefs, who will see that they are fairly run. Your nations were so sensible of the moderation of our conduct towards them, that they voluntarily offered to lend us forever the salt springs, and four miles square of land near the mouth of the Wabash, without price. But we wish nothing without price. And we propose to make a reasonable addition to the annuity we pay to the owners.

You complain that our people buy your lands individually, and settle and hunt on them without leave. To convince you of the care we have taken to guard you against the injuries and arts of interested individuals, I now will give you a copy of a law of our Great Council, the Congress, forbidding individuals to buy lands from you, or to settle or

hunt on your lands; and making them liable to severe punishment. And if you will at any time seize such individuals, and deliver them to any officer of the United States, they will be punished according to law.

We have long been sensible, brothers, of the great injury you receive from an immoderate use of spirituous liquors; and although it be profitable to us to make and sell these liquors, yet we value more the preservation of your health and happiness. Heretofore we apprehended you would be displeased, were we to withhold them from you. But leaving it to be your desire, we have taken measures to prevent their being carried into your country; and we sincerely rejoice at this proof of your wisdom. Instead of spending the produce of your hunting in purchasing this pernicious drink, which produces poverty, broils and murders, it will now be employed in procuring food and clothing for your families, and increasing instead of diminishing your numbers.

You have proposed, brothers, that we should deduct from your next year's annuity, the expenses of your journey here; but this would be an exactness we do not practice with our red brethren. We will bear with satisfaction the expenses of your journey, and of whatever is necessary for your personal comfort; and will not, by deducting them, lessen the amount of the necessaries which your women and children are to receive the next year.

From the same good will towards you, we shall be pleased to see you making progress in raising stock and grain, and making clothes for yourselves. A little labor in this way, performed at home and at ease, will go further towards feeding and clothing you, than a great deal of labor in hunting wild beasts.

In answer to your request of a smith to be stationed in some place convenient to you, I can inform you that Mr. Wells, our agent, is authorized to make such establishments, and also to furnish you with implements of husbandry and manufacture, whenever you shall be determined to use them. The particulars on this subject, as well as of some others mentioned in your speech, and in the written speech you brought me from Buckangalah and others, will be communicated and settled with you by the Secretary of War. And I shall pray you in your return, to be the bearers to your countrymen and friends of assurances of my sincere friendship, and that our nation wishes to befriend them in everything useful, and to protect them against all injuries committed by lawless persons from among our citizens, either on their lands, their lives or their property.

WASHINGTON, December 17, 1803.

Brothers of the Choctaw nation:—

We have long heard of your nation as a numerous, peaceable, and friendly people; but this is the first

visit we have had from its great men at the seat of our government. I welcome you here; am glad to take you by the hand, and to assure you, for your nation, that we are their friends. Born in the same land, we ought to live as brothers, doing to each other all the good we can, and not listening to wicked men, who may endeavor to make us enemies. By living in peace, we can help and prosper one another; by waging war, we can kill and destroy many on both sides; but those who survive will not be happier for that. Then, brothers, let it forever be peace and good neighborhood between us. Our seventeen States compose a great and growing nation. Their children are as the leaves of the trees, which the winds are spreading over the forest. But we are just also. We take from no nation what belongs to it. Our growing numbers make us always willing to buy lands from our red brethren, when they are willing to sell. But be assured we never mean to disturb them in their possessions. On the contrary, the lines established between us by mutual consent, shall be sacredly preserved, and will protect your lands from all encroachments by our own people or any others. We will give you a copy of the law, made by our Great Council, for punishing our people, who may encroach on your lands, or injure you otherwise. Carry it with you to your homes, and preserve it as the shield which we spread over you, to protect your land, your property and persons.

It is at the request which you sent me in September, signed by Puckshanublee and other chiefs, and which you now repeat, that I listen to your proposition to sell us lands. You say you owe a great debt to your merchants, that you have nothing to pay it with but lands, and you pray us to take lands, and pay your debt. The sum you have occasion for, brothers, is a very great one. We have never yet paid as much to any of our red brethren for the purchase of lands. You propose to us some on the Tombigbee, and some on the Mississippi. Those on the Mississippi suit us well. We wish to have establishments on that river, as resting places for our boats, to furnish them provisions, and to receive our people who fall sick on the way to or from New Orleans, which is now ours. In that quarter, therefore, we are willing to purchase as much as you will spare. But as to the manner in which the line shall be run, we are not judges of it here, nor qualified to make any bargain. But we will appoint persons hereafter to treat with you on the spot, who, knowing the country and quality of the lands, will be better able to agree with you on a line which will give us a just equivalent for the sum of money you want paid.

You have spoken, brothers, of the lands which your fathers formerly sold and marked off to the English, and which they ceded to us with the rest of the country they held here; and you say that, though you do not know whether your fathers were

paid for them, you have marked the line over again for us, and do not ask repayment. It has always been the custom, brothers, when lands were bought of the red men, to pay for them immediately, and none of us have ever seen an example of such a debt remaining unpaid. It is to satisfy their immediate wants that the red men have usually sold lands; and in such a case, they would not let the debt be unpaid. The presumption from custom then is strong; so it is also from the great length of time since your fathers sold these lands. But we have, moreover, been informed by persons now living, and who assisted the English in making the purchase, that the price was paid at the time. Were it otherwise, as it was their contract, it would be their debt, not ours.

I rejoice, brothers, to hear you propose to become cultivators of the earth for the maintenance of your families. Be assured you will support them better and with less labor, by raising stock and bread, and by spinning and weaving clothes, than by hunting. A little land cultivated, and a little labor, will procure more provisions than the most successful hunt; and a woman will clothe more by spinning and weaving, than a man by hunting. Compared with you, we are but as of yesterday in this land. Yet see how much more we have multiplied by industry, and the exercise of that reason which you possess in common with us. Follow then our example, brethren, and we will aid you with great pleasure.

The clothes and other necessaries which we sent you the last year, were, as you supposed, a present from us. We never meant to ask land or any other payment for them; and the store which we sent on, was at your request also; and to accommodate you with necessaries at a reasonable price, you wished of course to have it on your land; but the land would continue yours, not ours.

As to the removal of the store, the interpreter, and the agent, and any other matters you may wish to speak about, the Secretary of War will enter into explanations with you, and whatever he says, you may consider as said by myself, and what he promises you will be faithfully performed.

I am glad, brothers, you are willing to go and visit some other parts of our country. Carriages shall be ready to convey you, and you shall be taken care of on your journey; and when you shall have returned here and rested yourselves to your own mind, you shall be sent home by land. We had provided for your coming by land, and were sorry for the mistake which carried you to Savannah instead of Augusta, and exposed you to the risks of a voyage by sea. Had any accident happened to you, though we could not help it, it would have been a cause of great mourning to us. But we thank the Great Spirit who took care of you on the ocean, and brought you safe and in good health to the seat of our Great Council; and we hope His care will accompany and protect you, on your journey and

return home; and that He will preserve and prosper your nation in all its just pursuits.

WASHINGTON, July 16, 1804.

My Children, White-hairs, Chiefs, and Warriors of the Osage nation:—

I repeat to you assurances of the satisfaction it gives me to receive you here. Besides the labor of such a journey, the confidence you have shown in the honor and friendship of my countrymen is peculiarly gratifying, and I hope you have seen that your confidence was justly placed, that you have found yourselves, since you crossed the Mississippi, among brothers and friends, with whom you were as safe as at home.

My Children,—I sincerely weep with you over the graves of your chiefs and friends, who fell by the hands of their enemies lately descending the Osage river. Had they been prisoners, and living, we would have recovered them. But no voice can awake the dead; no power undo what is done. On this side the Mississippi, where our government has been long established, and our authority organized, our friends visiting us are safe. We hope it will not be long before our voice will be heard and our arm respected, by those who meditate to injure our friends on the other side of that river. In the meantime, Governor Harrison will be directed to take proper measures to inquire into the circumstances

of the transaction, to report them to us for consideration, and for the further measures they may require.

My Children,—By late arrangements with France and Spain, we now take their place as your neighbors, friends, and fathers; and we hope you will have no cause to regret the change. It is so long since our forefathers came from beyond the great water, that we have lost the memory of it, and seem to have grown out of this land, as you have done. Never more will you have occasion to change your fathers. We are all now of one family, born in the same land, and bound to live as brothers; and the strangers from beyond the great water are gone from among us. The Great Spirit has given you strength, and has given us strength; not that we might hurt one another, but to do each other all the good in our power. Our dwellings, indeed, are very far apart, but not too far to carry on commerce and useful intercourse. You have furs and peltries which we want, and we have clothes and other useful things which you want. Let us employ ourselves, then, in mutually accommodating each other. To begin this on our part, it was necessary to know what nations inhabited the great country called Louisiana, which embraces all the waters of the Mississippi and Missouri, what number of peltries they could furnish, what quantities and kind of merchandise they would require, where would be the deposits most convenient for them, and to make

an exact map of all those waters. For this purpose I sent a beloved man, Captain Lewis, one of my own household, to learn something of the people with whom we are now united, to let you know we were your friends, to invite you to come and see us, and to tell us how we can be useful to you. I thank you for the readiness with which you have listened to his voice, and for the favor you have showed him in his passage up the Missouri. I hope your countrymen will favor and protect him as far as they extend. On his return we shall hear what he has seen and learnt, and proceed to establish trading houses where our red brethren shall think best, and to exchange commodities with them on terms with which they will be satisfied.

With the same views I had prepared another party to go up the Red river to its source, thence to the source of the Arkansas, and down it to its mouth. But I will now give orders that they shall only go a small distance up the Red river this season, and return to tell us what they have seen, and that they shall not set out for the head of that river till the ensuing spring, when you will be at home, and will, I hope, guide and guard them in their journey. I also propose the next year to send another small party up the river of the Kansas to its source, thence to the head of the river of the Panis, and down to its mouth; and others up the rivers on the north side of the Missouri. For guides

along these rivers, we must make arrangements with the nations inhabiting them.

My Children,—I was sorry to learn that a schism had taken place in your nation, and that a part of your people had withdrawn with the Great-Track to the Arkansas river. We will send an agent to them, and will use our best offices to induce them to return, and to live in union with you. We wish to make them also our friends, and to make that friendship, and the weight it may give us with them, useful to you and them.

We propose, my children, immediately to establish an agent to reside with you, who will speak to you our words, and convey yours to us, who will be the guardian of our peace and friendship, convey truths from one to the other, dissipate all falsehoods which might tend to alienate and divide us, and maintain a good understanding and friendship between us. As the distance is too great for you to come often and tell us your wants, you will tell them to him on the spot, and he will convey them to us in writing, so that we shall be sure that they come from you. Through the intervention of such an agent we shall hope that our friendship will forever be preserved. No wrong will ever be done you by our nation, and we trust that yours will do none to us. And should ungovernable individuals commit unauthorized outrage on either side, let them be duly punished; or if they escape, let us make to each other the best satisfaction the case

admits, and not let our peace be broken by bad men. For all people have some bad men among them, whom no laws can restrain.

As you have taken so long a journey to see your father, we wish you not to return till you shall have visited our country and towns toward the sea coast, This will be new and satisfactory to you, and it will give you the same knowledge of the country on this side the Mississippi, which we are endeavoring to acquire of that on the other side, by sending trusty persons to explore them. We propose to do in your country only what we are desirous you should do in ours. We will provide accommodations for your journey, for your comfort while engaged in it, and for your return in safety to your own country, carrying with you those proofs of esteem with which we distinguish our friends, and shall particularly dstinguish you. On your return tell your people that I take them all by the hand; that I become their father hereafter; that they shall know our nation only as friends and benefactors; that we have no views upon them but to carry on a commerce useful to them and us; to keep them in peace with their neighbors, that their children may multiply, may grow up and live to a good old age, and their women no more fear the tomahawk of any enemy.

My children, these are my words, carry them to your nation, keep them in your memories, and our friendship in your hearts and may the Great Spirit

look down upon us and cover us with the mantle of his love.

WASHINGTON, March 7, 1805.

My Children, Chiefs of the Chickasaw nation, Minghey, Mataha, and Tishohotana:—

I am happy to receive you at the seat of the government of the twenty-two nations, and to take you by the hand. Your friendship to the Americans has long been known to me. Our fathers have told us that your nation never spilled the blood of an American, and we have seen you fighting by our side and cementing our friendship by mixing our blood in battle against the same enemies. I rejoice, therefore, that the Great Spirit has covered you with His protection through so long a journey and so inclement a season, and brought you safe to the dwelling of a father who wishes well to all his red children, and to you especially. It would have been also pleasing to have received the other chiefs who had proposed to come with you, and to have known and become known to them, had it been convenient for them to come. I have long wished to see the beloved men of your nation, to renew the friendly conferences of former times, to assure them that we remain constant in our attachment to them, and to prove it by our good offices.

Your country, like all those on this side the Mississippi, has no longer game sufficient to maintain

yourselves, your women and children, comfortably, by hunting. We, therefore, wish to see you undertake the cultivation of the earth, to raise cattle, corn, and cotton, to feed and clothe your people. A little labor in the earth will produce more food than the best hunts you can now make, and the women will spin and weave more clothing than the men can procure by hunting. We shall very willingly assist you in this course by furnishing you with the necessary tools and implements, and with persons to instruct you in the use of them.

We have been told that you have contracted a great debt to some British traders, which gives you uneasiness, and which you honestly wish to pay by the sale of some of your lands. Whenever you raise food from the earth, and make your own clothing, you will find that you have a great deal of land more than you can cultivate or make useful, and that it will be better for you to sell some of that, to pay your debts, and to have something over to be paid to you annually to aid you in feeding and clothing yourselves. Your lands are your own, my children, they shall never be taken from you by our people or any others. You will be free to keep or to sell as yourselves shall think most for your own good. If at this time you think it will be better for you to dispose of some of them to pay your debts, and to help your people to improve the rest, we are willing to buy on reasonable terms. Our people multiply so fast that it will suit us to buy as much

as you wish to sell, but only according to your good will. We have lately obtained from the French and Spaniards all the country beyond the Mississippi called Louisiana, in which there is a great deal of land unoccupied by any red men. But it is very far off, and we would prefer giving you lands there, or money and goods as you like best, for such parts of your land on this side the Mississippi as you are disposed to part with. Should you have anything to say on this subject now, or at any future time, we shall be always ready to listen to you.

I am obliged, within a few days, to set out on a long journey; but I wish you to stay and rest yourselves according to your own convenience. The Secretary of War will take care of you, will have you supplied with whatever you may have occasion for, and will provide for your return at your own pleasure. And I hope you will carry to your countrymen assurances of the sincere friendship of the United States to them, and that we shall always be disposed to render them all the service in our power. This, my children, is all I had proposed to say at this time.

WASHINGTON, December 30, 1806.

To the Wolf and people of the Mandar nation:—

My Children, the Wolf and people of the Mandar nation,—I take you by the hand of friendship and give you a hearty welcome to the seat of the govern-

ment of the United States. The journey which you have taken to visit your fathers on this side of our island is a long one, and your having undertaken it is a proof that you desired to become acquainted with us. I thank the Great Spirit that he has protected you through the journey and brought you safely to the residence of your friends, and I hope He will have you constantly in His safe keeping, and restore you in good health to your nations and families.

My friends and children, we are descended from the old nations which live beyond the great water, but we and our forefathers have been so long here that we seem like you to have grown out of this land. We consider ourselves no longer of the old nations beyond the great water, but as united in one family with our red brethren here. The French, the English, the Spaniards, have now agreed with us to retire from all the country which you and we hold between Canada and Mexico, and never more to return to it. And remember the words I now speak to you, my children, they are never to return again. We are now your fathers; and you shall not lose by the change. As soon as Spain had agreed to withdraw from all the waters of the Missouri and Mississippi, I felt the desire of becoming acquainted with all my red children beyond the Mississippi, and of uniting them with us as we have those on this side of that river, in the bonds of peace and friendship. I wished to learn what we could do to

benefit them by furnishing them the necessaries they want in exchange for their furs and peltries. I therefore sent our beloved man, Captain Lewis, one of my own family, to go up the Missouri river to get acquainted with all the Indian nations in its neighborhood, to take them by the hand, deliver my talks to them, and to inform us in what way we could be useful to them. Your nation received him kindly, you have taken him by the hand and been friendly to him. My children, I thank you for the services you rendered him, and for your attention to his words. He will now tell us where we should establish trading houses to be convenient to you all, and what we must send to them.

My friends and children, I have now an important advice to give you. I have already told you that you and all the red men are my children, and I wish you to live in peace and friendship with one another as brethren of the same family ought to do. How much better is it for neighbors to help than to hurt one another; how much happier must it make them. If you will cease to make war on one another, if you will live in friendship with all mankind, you can employ all your time in providing food and clothing for yourselves and your families. Your men will not be destroyed in war, and your women and children will lie down to sleep in their cabins without fear of being surprised by their enemies and killed or carried away. Your numbers will be increased instead of diminishing, and you will live in plenty

and in quiet. My children, I have given this advice to all your red brethren on this side of the Mississippi; they are following it, they are increasing in their numbers, are learning to clothe and provide for their families as we do. Remember then my advice, my children, carry it home to your people, and tell them that from the day that they have become all of the same family, from the day that we became father to them all, we wish, as a true father should do, that we may all live together as one household, and that before they strike one another, they should go to their father and let him endeavor to make up the quarrel.

My children, you are come from the other side of our great island, from where the sun sets, to see your new friends at the sun rising. You have now arrived where the waters are constantly rising and falling every day, but you are still distant from the sea. I very much desire that you should not stop here, but go and see your brethren as far as the edge of the great water. I am persuaded you have so far seen that every man by the way has received you as his brothers, and has been ready to do you all the kindness in his power. You will see the same thing quite to the sea shore; and I wish you, therefore, to go and visit our great cities in that quarter, and see how many friends and brothers you have here. You will then have travelled a long line from west to east, and if you had time to go from north to south, from Canada to Florida, you would find it

as long in that direction, and all the people as sincerely your friends. I wish you, my children, to see all you can, and to tell your people all you see; because I am sure the more they know of us, the more they will be our hearty friends. I invite you, therefore, to pay a visit to Baltimore, Philadelphia, New York, and the cities still beyond that, if you are willing to go further. We will provide carriages to convey you and a person to go with you to see that you want for nothing. By the time you come back the snows will be melted on the mountains, the ice in the rivers broken up, and you will be wishing to set out on your return home.

My children, I have long desired to see you; I have now opened my heart to you, let my words sink into your hearts and never be forgotten. If ever lying people or bad spirits should raise up clouds between us, call to mind what I have said, and what you have seen yourselves. Be sure there are some lying spirits between us; let us come together as friends and explain to each other what is misrepresented or misunderstood, the clouds will fly away like morning fog, and the sun of friendship appear and shine forever bright and clear between us.

My children, it may happen that while you are here occasion may arise to talk about many things which I do not now particularly mention. The Secretary of War will always be ready to talk with you, and you are to consider whatever he says as

said by myself. He will also take care of you and see that you are furnished with all comforts here.

WASHINGTON, December 31, 1806.

To the Chiefs of the Osage nation:—

My Children, Chiefs of the Osage nation,—I welcome you sincerely to the seat of the government of the United States. The journey you have taken is long and fatiguing, and proved your desire to become acquainted with your new brothers of this country. I thank the Master of life, who has preserved you by the way and brought you safely here. I hope you have found yourselves, through the whole journey, among brothers and friends, who have used you kindly, and convinced you they wish to live always in peace and harmony with you.

My children, your forefathers have doubtless handed it down to you that in ancient times the French were the fathers of all the red men in the country called Louisiana, that is to say, all the country on the Mississippi and on all its western waters. In the days of your fathers France ceded that country to the Spaniards and they became your fathers; but six years ago they restored it to France and France ceded it to us, and we are now become your fathers and brothers; and be assured you will have no cause to regret the change. It is so long since our forefathers came from beyond the great water, that we have lost the memory of it, and seem to

have grown out of this land as you have done. Never more will you have occasion to change your fathers. We are all now of one family, born in the same land, and bound to live as brothers, and to have nothing more to do with the strangers who live beyond the great water. The Great Spirit has given you strength and has given us strength, not that we should hurt one another, but to do each other all the good in our power. Our dwellings indeed are very far apart, but not too far to carry on commerce and useful intercourse. You have furs and peltries which we want, and we have clothes and other useful things which you want. Let us employ ourselves, then, in making exchanges of these articles useful to both. In order to prepare ourselves for this commerce with our new children, we have found it necessary to send some of our trusty men up the different rivers of Louisiana, to see what nations live upon them, what number of peltries they can furnish, what quantities and kinds of merchandise they want, and where are the places most convenient to establish trading houses with them. With this view we sent a party to the head of the Missouri and the great water beyond that, who are just returned. We sent another party up the Red river, and we propose, the ensuing spring, to send one up the Arkansas as far as its head. This party will consist, like the others, of between twenty and thirty persons. I shall instruct them to call and see you at your towns, to talk with my son the Big

Track, who, as well as yourselves and your people, will I hope receive them kindly, protect them and give them all the information they can as to the people on the same river above you. When they return they will be able to tell us how we can best establish a trade with you, and how otherwise we can be useful to them.

My children, I was sorry to learn that a difference had arisen among the people of your nation, and that a part of them had separated and removed to a great distance on the Arkansa. This is a family quarrel with which I do not pretend to intermeddle. Both parties are my children, and I wish equally well to both. But it would give me great pleasure if they could again reunite, because a nation, while it holds together, is strong against its enemies, but, breaking into parts, it is easily destroyed. However I hope you will at least make friends again, and cherish peace and brotherly love with one another. If I can be useful in restoring friendship between you, I shall do it with great pleasure. It is my wish that all my red children live together as one family, that when differences arise among them, their old men should meet together and settle them with justice and in peace. In this way your women and children will live in safety, your nation will increase and be strong.

As you have taken so long a journey to see your fathers, we wish you not to return till you have visited our country and towns towards the sea coast.

This will be new and satisfactory to you, and it will give you the same knowledge of the country on this side of the Mississippi, which we are endeavoring to acquire of that on the other side, by sending trusty persons to explore them. We propose to do in your country only what we are desirous you should do in ours. We will provide accommodations for your journey, for your comfort while engaged in it, and for your return in safety to your own country, carrying with you those proofs of esteem with which we distinguish our friends, and shall particularly distinguish you. On your return, tell your chief, the Big Track, and all your people, that I take them by the hand, that I become their father hereafter, that they shall know our nation only as friends and benefactors, that we have no views upon them but to carry on a commerce useful to them and us, to keep them in peace with their neighbors, that their children may multiply, may grow up and live to a good old age, and their women no longer fear the tomahawk of any enemy.

My children, these are my words, carry them to your nation, keep them in your memories and our friendship in your hearts, and may the Great Spirit look down upon us and cover us with the mantle of His love.

WASHINGTON, February 19, 1807.

To the Chiefs of the Shawanee nation:—

My Children, Chiefs of the Shawanee nation,—I have listened to the speeches of the Blackhoof, Blackbeard, and the other head chiefs of the Shawanese, and have considered them well. As all these speeches relate to the public affairs of your nation, I will answer them together.

You express a wish to have your lands laid off separately to yourselves, that you may know what is our own, may have a fixed place to live on, of which you may not be deprived after you shall have built on it, and improved it; you would rather that this should be towards Fort Wayne, and to include the three reserves; you ask a strong writing from us, declaring your right, and observe that the writing you had was taken from you by the Delawares.

After the close of our war with the English, we wished to establish peace and friendship with our Indian neighbors also. In order to do this, the first thing necessary was to fix a firm boundary between them and us, that there might be no trespasses across that by either party. Not knowing then what parts on our border belonged to each Indian nation particularly, we thought it safest to get all those in the north to join in one treaty, and to settle a general boundary line between them and us. We did not intermeddle as to the lines dividing them one from another, because this was

their concern, not ours. We therefore met the chiefs of the Wyandots, Delawares, Shawanese, Ottaways, Chippeways, Powtewatamies, Miamis, Eel-Rivers, Weaks, Kickapoos, Pianteshaws, and Kaskaskies, at Greeneville, and agreed on a general boundary which was to divide their lands from those of the whites, making only some particular reserves, for the establishment of trade and intercourse with them. This treaty was eleven years ago, as Blackbeard has said. Since that, some of them have thought it for their advantage to sell us portions of their lands, which has changed the boundaries in some parts; but their rights in the residue remain as they were, and must always be settled among themselves. If the Shawanese and Delawares, and their other neighbors, choose to settle the boundaries between their respective tribes, and to have them marked and recorded in our books, we will mark them as they shall agree among themselves, and will give them strong writings declaring the separate right of each. After which, we will protect each tribe in its respective lands, as well as against other tribes who might attempt to take them from them, as against our own people. The writing which you say the Delawares took from you, must have been the copy of the treaty of Greeneville. We will give you another copy to be kept by your nation.

With respect to the reserves, you know they were made for the purpose of establishing convenient stations for trade and intercourse with the tribes

within whose boundaries they are. And as circumstances shall render it expedient to make these establishments, it is for your interest, as well as ours, that the possession of these stations should enable us to make them.

You complain that Blue-jacket, and a part of your people at Greeneville, cheat you in the distribution of your annuity, and take more of it than their just share. It will be difficult to remedy this evil while your nation is living in different settlements. We will, however, direct our agent to inquire, and inform us what are your numbers in each of your settlements, and will then divide the annuities between the settlements justly, according to their numbers. And if we can be of any service in bringing you all together into one place, we will willingly assist you for that purpose. Perhaps your visit to the settlement of your people on the Mississippi under the Flute may assist towards gathering them all into one place from which they may never again remove.

You say that you like our mode of living, that you wish to live as we do, to raise a plenty of food for your children, and to bring them up in good principles; that you adopt our mode of living, and ourselves as your brothers. My children, I rejoice to hear this; it is the wisest resolution you have ever formed, to raise corn and domestic animals, by the culture of the earth, and to let your women spin and weave clothes for you all, instead of depending for these on hunting. Be assured that half the

labor and hardships you go through to provide your families by hunting, with food and clothing, if employed in a farm would feed and clothe them better. When the white people first came to this land, they were few, and you were many: now we are many, and you few; and why? because, by cultivating the earth, we produce plenty to raise our children, while yours, during a part of every year, suffer for want of food, are forced to eat unwholesome things, are exposed to the weather in your hunting camps, get diseases and die. Hence it is that your numbers lessen.

You ask for instruction in our manner of living, for carpenters and blacksmiths. My children, you shall have them. We will do everything in our power to teach you to take care of your wives and children, that you may multiply and be strong. We are sincerely your friends and brothers, we are as unwilling to see your blood spilt in war, as our own. Therefore, we encourage you to live in peace with all nations, that your women and children may live without danger, and without fear. The greatest honor of a man is in doing good to his fellow men, not in destroying them. We have placed Mr. Kirk among you, who will have other persons under him to teach you how to manage farms, and to make clothes for yourselves; and we expect you will put some of your young people to work with the carpenters and smiths we place among you, that they may learn the trades. In this way only can

you have a number of tradesmen sufficient for all your people.

You wish me to name to you the person authorized to speak to you in our name, that you may know whom to believe, and not be deceived by impostors. My children, Governor Harrison is the person we authorize to talk to you in our name. You may depend on his advice, and that it comes from us. He stands between you and us, to convey with truth whatever either of us wishes to say to the other.

My children, I wish you a safe return to your friends and families, that you may retain your resolution of learning to live in our way, that it may give health and comfort to your families, and add members to your nation. In me you will always find a sincere and true friend.

WASHINGTON, February 27, 1808.

To Kitchao Geboway:—

My son Kitchao Geboway,—I have received the speech which you sent me through General Gansevoort from Albany, on the 13th of this month, and now return you my answer. It would have given me great pleasure to have been able to converse with and understand you, when you visited me at Washington; but the want of an interpreter rendered that impossible.

My son, tell your nation, the Chippewas, that I

take them by the hand, and consider them as a part of the great family of the United States, which extends to the great Lakes and the Lake of the Woods, northwardly, and from the rising to the setting sun; that the United States wish to live in peace with them, to consider them as a part of themselves, to establish a commerce with them, as advantageous to the Chippewas as they can make it, and in all cases to render them every service in our power. We shall never ask them to enter into our quarrels, nor to spill their blood in fighting our enemies. My son, in visiting this quarter of the United States, you have seen a part of our country, and some of our people from East to West. If you had travelled also from North to South, you would have seen it the same. You see that we are as numerous as the leaves of the trees, that we are strong enough to fight our own battles, and too strong to fear any enemy. When, therefore, we wish you to live in peace with all people, red and white, we wish it because it is for your good, and because it is our desire that your women and children shall live in safety, not fearing the tomahawk of any enemy, that they may learn to raise food enough to support their families, and that your nation may multiply and be strong. If any white men advise you to go to war for them, it is a proof they are too weak to defend themselves, that they are in truth your enemies, wishing to sacrifice you to save themselves; and when they shall be driven

away, my son, what is to become of the red men who may join in their battles? Take the advice then of a father, and meddle not in the quarrels of the white people, should any war take place between them; but stay at home in peace, taking care of your wives and children. In that case not a hair of your heads shall be touched. Never will we do you an injury, unprovoked or disturb you in your towns or lands by any violence.

My son, I confirm everything which your father, Governor Hall, said to you at Detroit on my part: and in all your difficulties and dangers apply to him, and take his advice. If some of your principal chiefs will pay me a visit at Washington, I shall be very happy to receive them, to smoke the pipe of friendship with them, to take them by the hand and never to let go their friendship. They shall see that I want nothing from them but their good will, and to do them all the good in my power.

My son, the Secretary of War will comply with your request in giving you a chief's coat with epaulettes, and a stand of the colors of the United States, to plant in your town, to let all the world see that you are a part of the family of the United States.

My son, I wish you a pleasant journey, and a safe return to your family and friends.

WASHINGTON, April 22, 1808.

To the Chiefs of the Ottawas, Chippewas, Powtewatamies, Wyandots, and Senecas of Sandusky:—

My Children,—I received your message of July last, and I am glad of the opportunity it gives me of explaining to you the sentiments of the government of the United States towards you.

Many among you must remember the time when we were governed by the British nation, and the war by which we separated ourselves from them. Your old men must remember also that while we were under that government we were constantly kept at war with the red men our neighbors. Many of these took side in the English war against us; so that after we had made peace with the English, ill blood remained between us for some time; and it was not till the treaty of Greeneville that we could come to a solid peace and perfect good understanding with all our Indian neighbors. This being once done and fixed lines drawn between them and us, laying off their lands to themselves, and ours to ourselves, so that each might know their own, and nothing disturb our future peace, we have from that moment, my children, looked upon you heartily as our brothers, and as a part of ourselves. We saw that your game was becoming too scarce to support you, and that unless we could persuade you to cultivate the earth, to raise the tame animals, and to spin and weave clothes for yourselves as we do,

you would disappear from the earth. To encourage you, therefore, to save yourselves has been our constant object; and we have hoped that the day would come when every man among you would have his own farm laid off to himself as we have, would maintain his family by labor as we do, and would make one people with us. But in all these things you have been free to do as you please; your lands are your own; your right to them shall never be violated by us; they are yours to keep or to sell as you please. Whenever you find it your interest to dispose of a part to enable you to improve the rest, and to support your families in the meantime, we are willing to buy, because our people increase fast. When a want of land in a particular place induces us to ask you to sell, still you are always free to say "No," and it will never disturb our friendship for you. We will never be angry with others for exercising their own rights according to what they think their own interests. You say you were told at Swan's Creek, that if you would not let us have lands, we should be angry with you, and would force you. Those, my children, who told you so, said what was false, and what never had been said or thought of by us. We never meant to control your free will; we never will do it. I will explain to you the ground of our late application to you for lands. You know that the posts of Detroit and Macinac have very little lands belonging to them. It is for your interest as well as ours that these posts

should be maintained for the purposes of our trade with one another. We were desirous therefore to purchase as much land around them as would enable us to have sufficient settlements there to support the posts; and that this might be so laid off as to join with our possessions on Lake Erie. But we expressly instructed our beloved man, Governor Hall, not to press you beyond your own convenience, nor to buy more than you would spare with good will. He accordingly left you to your own inclinations, using no threats whatever, as you tell me in your message. You agreed to let us have a part of what we wished to buy. We are contented with it, my children. We find no fault with you for what you did not do, but thank you for what you did.

You complain, my children, that your annuities are not regularly paid, that the goods delivered you are often bad in kind, that they sometimes arrive damaged, and are dear, and that you would rather receive them in money. You shall have them in money. We had no interest in laying out your money in goods for you.

It costs us considerable trouble in the purchase and transportation, and as we could not be everywhere with them to take care of them ourselves, we could not prevent their being injured sometimes by accident, sometimes by carelessness. To pay money therefore, is more convenient to us, and as it will please you better, it shall be done.

I am now, my children, to address you on a very serious subject, one which greatly concerns your happiness. Open your ears, therefore, let my words sink deeply into your bosoms, and never forget them. For be assured that I will not, and that I will fulfil them to their uttermost import. We have for some time had a misunderstanding with the English, and we do not yet know whether it will end in peace or in war. But in either case, my children, do you remain quiet at home, taking no part in these quarrels. We do not wish you to shed your blood in our battles. We are able to fight them ourselves. And if others press you to take part against us, it is because they are weak, not able to protect themselves nor you. Consider well then what you do. Since we have freed ourselves from the English government, and made our peace with our Indian neighbors, we have cultivated that peace with sincerity and affection. We have done them such favors as were in our power, and promoted their interest and peace wherever we could. We consider them now as a part of ourselves, and we look to their welfare as our own. But if there be among you any nation whom no benefits can attach, no good offices on our part can convert into faithful friends, if relinquishing their permanent connection with us for the fugitive presents or promises of others, they shall prefer our enmity to our friendship, and engage in war against us, that nation must abandon forever the land of their fathers. No

nation rejecting our friendship, and commencing wanton and unprovoked war against us, shall ever after remain within our reach; it shall never be in their power to strike us a second time. These words, my children, may appear harsh; but they are spoken in kindness; they are intended to warn you beforehand of the ruin into which those will rush, who shall once break the chain of friendship with us. You know they are not spoken from fear. We fear no nation. We love yours. We wish you to live forever in peace with all men, and in brotherly affection with us; to be with us as one family; to take care of your women and children, feed and clothe them well, multiply and be strong with your friends and your enemies.

My children, I salute you with fatherly concern for your welfare.

WASHINGTON, May 4, 1808.

To the Chiefs of the Upper Cherokees:—

My Children, Chiefs of the Upper Cherokees,—I am glad to see you at the seat of government, to take you by the hand, and to assure you in person of the friendship of the United States towards all their red children, and of their desire to extend, to them all, their protection of good offices. The journey you have come is a long one, and the object expressed in our conference of the other day is important. I have listened to it with attention,

and given it the consideration it deserves. You complain that you do not receive your just proportion of the annuities we pay your nation; that the chiefs of the lower towns take for them more than their share. My children, this distribution is made by the authority of the Cherokee nation, and according to their own rules over which we have no control. We do our duty in delivering the annuities to the head men of the nation, and we pretend to no authority over them, to no right of directing how they are to be distributed. But we will instruct our agent, Colonel Meigs, to exhort the chiefs to do justice to all the parts of their nation in the distribution of these annuities, and to endeavor that every town shall have its due share. We would willingly pay these annuities in money, which could be more equally divided, if the nation would prefer that, and if we can be assured that the money will not be laid out in strong drink instead of necessaries for your wives and children. We wish to do whatever will best secure your people from suffering for want of clothes or food. It is these wants which bring sickness and death into your families, and prevent you from multiplying as we do. In answer to your question relating to the lands we have purchased from your nation at different times, I inform you that the payments have for the most part been made in money, which has been left, as the annuities are, to the discharge of your debts, and to distribute according to the rules of the nation.

You propose, my children, that your nation shall be divided into two, and that your part, the upper Cherokees, shall be separated from the lower by a fixed boundary, shall be placed under the government of the United States, become citizens thereof, and be ruled by our laws; in fine, to be our brothers instead of our children. My children, I shall rejoice to see the day when the red men, our neighbors, become truly one people with us, enjoying all the rights and privileges we do, and living in peace and plenty as we do, without any one to make them afraid, to injure their persons, or to take their property without being punished for it according to fixed laws. But are you prepared for this? Have you the resolution to leave off hunting for your living, to lay off a farm for each family to itself, to live by industry, the men working that farm with their hands, raising stock, or learning trades as we do, and the women spinning and weaving clothes for their husbands and children? All this is necessary before our laws can suit you or be of any use to you. However, let your people take this matter into consideration. If they think themselves prepared for becoming citizens of the United States, for living in subjection to laws and under their protection as we do, let them consult the lower towns, come with them to an agreement of separation by a fixed boundary, and send to this place a few of the chiefs they have most confidence in, with powers to arrange with us regulations concerning the pro-

tection of their persons, punishment of crimes, assigning to each family their separate farms, directing how these shall go to the family as they die one after another, in what manner they shall be governed, and all other particulars necessary for their happiness in their new condition. On our part I will ask the assistance of our Great Council, the Congress, whose authority is necessary to give validity to these arrangements, and who wish nothing more sincerely than to render your condition secure and happy. Should the principal part of your people determine to adopt this alteration, and a smaller part still choose to continue the hunter's life, it may facilitate the settlement among yourselves to be told that we will give to those leave to go, if they choose it, and settle on our lands beyond the Mississippi, where some Cherokees are already settled, and where game is plenty, and we will take measures for establishing a store there among them, where they may obtain necessaries in exchange for their peltries, and we will still continue to be their friends there as much as here.

My children, carry these words to your people, advise with Colonel Meigs in your proceedings, ask him to inform me from time to time how you go on, and I will further advise you in what may be necessary. Tell your people I take them all by the hand; that I leave them free to do as they choose, and that whatever choice they make, I will still be their friend and father.

WASHINGTON, May 5, 1808.

To Colonel Louis Cook and Jacob Francis of the St. Regis Indians:—

My Children,—I take you by the hand, and all the people of St. Regis within the limits of the United States, and I desire to speak to them through you. A great misunderstanding has taken place between the English and the United States, and although we desire to live in peace with all the world and unmolested, yet it is not quite certain whether this difference will end in peace or war. Should war take place, do you, my children, remain at home in peace, taking care of your wives and children. You have no concern in our quarrel, take therefore no part in it. We do not wish you to spill your blood in our battles. We can fight them ourselves. Say the same to your red brethren everywhere, let them remain neutral and quiet, and we will never disturb them. Should the English insist on their taking up the hatchet against us, if they choose rather to break up their settlements and come over to live in peace with us, we will find other settlements for them, and they shall become our children. The red nations who shall remain in peace with the United States, shall forever find them true friends and fathers. Those who commence against them an unprovoked war, must expect their lasting enmity.

My children, I wish you well, and a safe return to your own country.

WASHINGTON, December 2, 1808.

To the Delaware Chief, Captain Armstrong:—

I have received your letter of October 20th, wherein you express a wish to obtain a deed for the thirteen sections of lands reserved for the Delawares in the State of Ohio, by an act of Congress. I accordingly now send you an authentic deed designating the thirteen sections, and signed by the Secretary of the Treasury, who was authorized for this purpose by the act of Congress. Under this you are free to settle on the lands when you please, and to occupy them according to your own rules. You cannot, indeed, sell them to the white citizens of the United States. Knowing how liable you would be to be cheated and deceived, were we to permit our citizens to purchase your lands, our government acting as your friends and patrons, and desirous of guarding your interests against the frauds that would surround you, does not permit white persons to purchase your lands from you. In every other way they are yours, free to be used as you please; and their possession will be protected and guaranteed to you by the United States. I salute you and my children, the Delawares, with friendship.

WASHINGTON, December 21, 1808.

To the Miamis, Powtewatamies, Delawares and Chippeways:—

My Children,—Some of you are old enough to remember, and the youngest have heard from their fathers, that the country was formerly governed by the English. While they governed it there were constant wars between the white and the red people. To such a height was the hatred of both parties carried that they thought it no crime to kill one another in cold blood whenever they had an opportunity. This spirit led many of the Indians to take side against us in the war; and at the close of it the English made peace for themselves, and left the Indians to get out of it as well as they could. It was not till twelve years after that we were able by the treaty of Greeneville to close our wars with all our red neighbors. From that moment, my children, the policy of this country towards you has been entirely changed. General Washington, our first President, began a line of just and friendly conduct towards you. Mr. Adams, the second, continued it; and from the moment I came into the administration I have looked upon you with the same good will as my own fellow citizens, have considered your interests as our interests, and peace and friendship as a blessing to us all. Seeing with sincere regret that your people were wasting away, believing that this proceeded from your frequent

wars, and the destructive use of spirituous liquors and scanty supplies of food, I have inculcated peace with all your neighbors, have endeavored to prevent the introduction of spirituous liquors among you, and pressed on you to rely for food on the culture of the earth more than on hunting. On the contrary, my children, the English persuade you to hunt, they supply you with spirituous liquors, and are now endeavoring to engage you to join them in the war against us, should a war take place. You possess reason, my children, as we do, and you will judge for yourselves which of us advise you as friends. The course they advise has worn you down to your present numbers, but temperance, peace and agriculture will raise you up to be what your forefathers were, will prepare you to possess property, to wish to live under regular laws, to join us in our government, to mix with us in society, and your blood and ours united will spread again over the great island.

My children, this is the last time I shall speak to you as your father, it is the last counsel I shall give. I am now too old to watch over the extensive concerns of the seventeen States and their territories. I have, therefore, requested my fellow citizens to permit me to retire, to live with my family and to choose another chief and another father for you, and in a short time I shall retire and resign into his hands the care of your and our concerns. Be assured, my children, that he will have the same friendly

disposition towards you which I have had, and that you will find in him a true and affectionate father. Entertain, therefore, no uneasiness on account of this change, for there will be no change as to you. Indeed, my children, this is now the disposition towards you of all our people. They look upon you as brethren, born in the same land, and having the same interests. In your journey to this place you have seen many of them. I am certain they have received you as brothers and been ready to show you every kindness. You will see the same on the road by which you will return; and were you to pass from north to south, or east to west in any part of the United States, you would find yourselves always among friends. Tell this, therefore, to your people on your return home, assure them that no change will ever take place in our dispositions towards them; deliver to them my adieux and my prayers to the Great Spirit for their happiness, tell them that during my administration I have held their hand fast in mine, that I will put it into the hand of their new father, who will hold it as I have done.

WASHINGTON, December 21, 1808.

To Little Turtle, Chief of the Miamis:—

My Son,—It is always with pleasure that I receive you here and take you by the hand, and that to the assurances of friendship to your nation I can add

those of my personal respect and esteem for you. Our confidence in your friendship has been the stronger, as your enlarged understanding could not fail to see the advantages resulting to your nation as well as to us from a mutual good understanding. We ask nothing from them but their peace and good will, and it is a sincere solicitude for their welfare which has induced us, from time to time, to warn them of the decay of their nation by continuing to rely on the chase for food, after the deer and buffalo are become too scanty to subsist them, and to press them, before they are reduced too low, to begin the culture of the earth and the raising of domestic animals. A little of their land in corn and cattle will feed them much better than the whole of it in deer and buffalo, in their present scarce state, and they will be scarcer every year. I have, therefore, always believed it an act of friendship to our red brethren whenever they wished to sell a portion of their lands, to be ready to buy whether we wanted them or not, because the price enables them to improve the lands they retain, and turning their industry from hunting to agriculture, the same exertions will support them more plentifully.

You inform me, my son, that your nation claims all the land on the Wabash and the Miami of the Lake and their waters, and that a small portion of that which was sold to us by the Ottaways, Wyandots, and other tribes of Michigan belonged to you. My son, it is difficult for us to know the exact boun-

daries which divide the lands of the several Indian tribes, and indeed it appears often that they do not know themselves, or cannot agree about them. I have long thought it desirable that they should settle their boundaries with one another, and let them be written on paper and preserved by them and by us, to prevent disputes among themselves. The tribes who made that sale certainly claim the lands on both sides of the Miami, some distance up from the mouth, as they have since granted us two roads from the rapids to the Miami, the one eastwardly to the line of the treaty of Fort Industry, and the other southeastwardly to the line of the treaty of Greeneville. I observe, moreover, that in the late conveyance of lands on the White River branch of the Wabash, to the Delawares, the Powtewatamies join you in the conveyance, which is an acknowledgment that all the lands on the waters of the Wabash do not belong to the Miamis alone. If, however, the Ottaways and others who sold to us had no right themselves, they could convey none to us, and we acknowledge we cannot acquire lands by buying them of those who have no title themselves. This question cannot be determined here, where we have no means of inquiring from those who have knowledge of the facts. We will instruct Governor Hull to collect the evidence from both parties, and from others, and to report it to us. And if it shall appear that the lands belonged to you and not to those who sold them, be assured

we will do you full justice. We ask your friendship and confidence no longer than we shall merit it by our justice. On this subject, therefore, my son, your mind may be tranquil. You have an opportunity of producing before Governor Hull all the evidences of your right, and they shall be fairly weighed against the opposite claims.

My son, I salute your nation with constant friendship, and assure you of my particular esteem.

WASHINGTON, December 21, 1808.

To Manchot, the great War Chief of the Powtewatamies:—

My Son,—I am happy to receive you at the seat of government of the United States, to take you and your nation by the hand, and to welcome you to this place. It has long been my desire to see the distinguished men of the Powtewatamies, and to give them the same assurances of friendship and good will which I have given to all my other red children. I wish to see them living in plenty and prosperity, beginning to cultivate the earth and raise domestic animals for their comfortable subsistence. In this way they will raise up young people in abundance to succeed to the old, and to keep their nation strong. For this reason I recommend to them to live in peace with all men, and not, by destroying one another, to make the whole race of red men disappear from the land.

You say, my son, that you have engaged in a war with the Osages, and that the war club is now in your hand for that purpose; but you do not tell me for what cause you are waging war with the Osages. I have never heard that they have crossed the Mississippi and attacked your villages, killed your women and children, or destroyed the game on your lands. What is the injury then which they have done you and for which you wish to cross the Mississippi and to destroy them? If they have done you no wrong, have you a right to make war upon innocent and unoffending people? Be assured that the Great Spirit will not approve of this,—He did not make men strong that they might destroy all other men. If your young people think that in this way they will acquire honor as great warriors, they are mistaken. Nobody can acquire honor by doing what is wrong.

You say, my son, that it is not the wish of my red children to meddle in the wars between the whites, nor that we should meddle in the wars among our red children. If your wars in no wise affect our rights, or our relations with those on whom you make war, we do not meddle with them but by way of advice, as your father and friend submitting it to your own consideration. But, my son, your war parties cannot pass from your towns to the country of the Osages, nor can the Osages come to revenge themselves on your towns without traversing extensively a country which is ours. They

must cross the Mississippi, which is always covered with our boats, our people and property. All the produce of the western parts of Pennsylvania, Virginia, Kentucky, Ohio, Indiana, Tennessee, and Louisiana, goes down the river Mississippi to New Orleans. It cannot be indifferent to us that this should be exposed to danger from unruly young men going to war. Our interests require that the Mississippi shall be a river of peace, not to be crossed by men seeking to shed blood. We have a right then to say that no war parties shall cross our river or our country without our consent. The Sacs and Foxes, besides the country from the Illinois to the Wisconsin on the east side of the Mississippi, ceded to us the country on the west side of the Mississippi, between that river and the Missouri, for about one hundred miles up each. The Osages have ceded to us all the country from the south side of the Missouri to the Arkansas, more than two hundred miles up each river. Surely, my son, we are justifiable in so far meddling with your wars as to say that, in carrying them on, neither the Osages nor you must cross that country which is ours, to get at one another, and in doing so to endanger our people and our property, and to stain our land with blood; and friendship requires that we should give you this warning.

My son, I wish you to consider this subject maturely, and to tell your nation that I request them to consider it also. I am ready to do them

every favor in my power, and to give them every aid, but not aids to carry war across our territory. Do not suppose that in refusing this I am not your friend. If I were your enemy, what could I do better than to encourage you in tomahawking one another till not a man should be left? Neither must you suppose this to proceed from partiality to the Osages. You are nearer to me than the Osages, and on that account I should be more ready to do you good offices. But my desire to keep you in peace arises from my sincere wish to see you happy and prosperous, increasing in numbers, supplying your families plentifully with food and clothing, and relieving them from the constant chance of being destroyed by their enemies.

My son, the Secretary of War will give to you those tokens of our good will by which we manifest our friendship to the distinguished men among our red children who visit us. Be assured that I shall set a great value on your friendship; and convey for me to your nation assurances that I wish nothing more than their welfare. You shall return by the way of Baltimore and Philadelphia as you desire. I wish you to see as many of your brothers of the United States as you can. You will find them all to be your friends, and that they will receive you hospitably.

WASHINGTON, December 21, 1808.

To Beaver, the head warrior of the Delawares:—

My Son,—I am glad to see you here to take you by the hand. I am the friend of your nation, and sincerely wish them well. I shall now speak to them as their friend, and advise them for their good.

I have read your speech to the Secretary of War, and considered it maturely. You therein say that after the conclusion of the treaty of Greeneville, the Wapanakies and other tribes of Indians mutually agreed to maintain peace among themselves and with the United States. This, my son, was wise, and I entirely approve of it. And I equally commend you for what you further say, that yours and the other tribes have constantly maintained the articles of peace with us, and have ceased to listen to bad advice. I hope, my son, that you will continue in this good line of conduct, and I assure you the United States will forever religiously observe the treaty on their part, not only because they have agreed to it, but because they esteem you; they wish you well, and would endeavor to promote your welfare even if there were no treaty; and rejoicing that you have ceased to listen to bad advice, they hope you will listen to that which is good.

My son, you say that the Osage nation has refused to be at peace with your nation or any others; that they have refused the offers of peace, and extended their aggressions to all people. This is all new to

me. I never heard of an Osage coming to war on this side of the Mississippi. Have they attacked your towns, killed your people, or destroyed your game? Tell me in what year they did this? or what is the aggression they have committed on yours and the other tribes on this side the Mississippi? But if they have defended themselves and their country, when your tribes have gone over to destroy them, they have only done what brave men ought to do, and what just men ought never to have forced them to do. Your having committed one wrong on them gives you no right to commit a second; and be assured, my son, that the Almighty Spirit which is above will not look down with indifference on your going to war against His children on the other side the Mississippi, who have never come to attack you. He is their Father as well as your Father, and He did not make the Osages to be destroyed by you. I tell you that if you make war unjustly on the Osages, He will punish your nation for it. He will send upon your nation famine, sickness, or the tomahawk of a stronger nation, who will cut you off from the land. Consider this thing well, then, before it is too late, and before you strike. His hand is uplifted over your heads, and His stroke will follow yours. My son, I tell you these things because I wish your nation well. I wish them to become a peaceable, prosperous, and happy nation; and if this war against the Osages concerned yourselves alone, I would confine myself to giving you advice,

and leave it to yourselves to profit by it. But this war deeply concerns the United States. Between you and the Osages is a country of many hundred miles extent belonging to the United States. Between you also is the Mississippi, the river of peace. On this river are floating the boats, the people, and all the produce of the Western States of the Union. This commerce must not be exposed to the alarm of war parties crossing the river, nor must a path of blood be made across our country. What we say to you, my son, we say also to the Osages. We tell them that armed bands of warriors, entering on the lands or waters of the United States without our consent, are the enemies of the United States. If, therefore, considerations of your own welfare are not sufficient to restrain you from this unauthorized war, let me warn you on the part of the United States to respect their rights, not to violate their territory.

You request, my son, to be informed of our warfares, that you may be enabled to inform your nation on your return. We are yet at peace, and shall continue so, if the injustice of the other nations will permit us. The war beyond the water is universal. We wish to keep it out of our island. But should we go to war, we wish our red children to take no part in it. We are able to fight our own battles, and we know that our red children cannot afford to spill their blood in our quarrels. Therefore, we do not ask it, but wish them to remain home in quiet, taking care of themselves and their families.

You complain that the white people in your neighborhood have stolen a number of your horses. My son, the Secretary of War will take measures for inquiring into the truth of this, and if it so appears justice shall be done you.

The two swords which you ask shall be given to you; and we shall be happy to give you every other proof that we esteem you personally, my son, and shall always be ready to do anything which may advance your comfort and happiness. I hope you will deliver to your nation the words I have spoken to you, and assure them that in everything which can promote their welfare and prosperity they shall ever find me their true and faithful friend and father, that I hold them fast by the hand of friendship, which I hope they will not force me to let go.

WASHINGTON, December 21, 1808.

To Captain Hendrick, the Delawares, Mohicans, and Munries:—

My Son and my Children,—I am glad to see you here to receive your salutations, and to return them by taking you by the hand, and renewing to you the assurances of my friendship. I learn with pleasure that the Miamis and Powtawatamies have given you some of their lands on the White River to live on, and that you propose to gather there your scattered tribes, and to dwell on it all your days.

The picture which you have drawn, my son, of

the increase of our numbers and the decrease of yours is just, the causes are very plain, and the remedy depends on yourselves alone. You have lived by hunting the deer and buffalo—all these have been driven westward; you have sold out on the sea-board and moved westwardly in pursuit of them. As they became scarce there, your food has failed you; you have been a part of every year without food, except the roots and other unwholesome things you could find in the forest. Scanty and unwholesome food produce diseases and death among your children, and hence you have raised few and your numbers have decreased. Frequent wars, too, and the abuse of spirituous liquors, have assisted in lessening your numbers. The whites, on the other hand, are in the habit of cultivating the earth, of raising stocks of cattle, hogs, and other domestic animals, in much greater numbers than they could kill of deer and buffalo. Having always a plenty of food and clothing they raise abundance of children, they double their numbers every twenty years, the new swarms are continually advancing upon the country like flocks of pigeons, and so they will continue to do. Now, my children, if we wanted to diminish our numbers, we would give up the culture of the earth, pursue the deer and buffalo, and be always at war; this would soon reduce us to be as few as you are, and if you wish to increase your numbers you must give up the deer and buffalo, live in peace, and cultivate the earth. You see then,

my children, that it depends on yourselves alone to become a numerous and great people. Let me entreat you, therefore, on the lands now given you to begin to give every man a farm; let him enclose it, cultivate it, build a warm house on it, and when he dies, let it belong to his wife and children after him. Nothing is so easy as to learn to cultivate the earth; all your women understand it, and to make it easier, we are always ready to teach you how to make ploughs, hoes, and necessary utensils. If the men will take the labor of the earth from the women they will learn to spin and weave and to clothe their families. In this way you will also raise many children, you will double your numbers every twenty years, and soon fill the land your friends have given you, and your children will never be tempted to sell the spot on which they have been born, raised, have labored and called their own. When once you have property, you will want laws and magistrates to protect your property and persons, and to punish those among you who commit crimes. You will find that our laws are good for this purpose; you will wish to live under them, you will unite yourselves with us, join in our Great Councils and form one people with us, and we shall all be Americans; you will mix with us by marriage, your blood will run in our veins, and will spread with us over this great island. Instead, then, my children, of the gloomy prospect you have drawn of your total disappearance from the face of the earth, which is

true, if you continue to hunt the deer and buffalo and go to war, you see what a brilliant aspect is offered to your future history, if you give up war and hunting. Adopt the culture of the earth and raise domestic animals; you see how from a small family you may become a great nation by adopting the course which from the small beginning you describe has made us a great nation.

My children, I will give you a paper declaring your right to hold, against all persons, the lands given you by the Miamis and Powtewatamies, and that you never can sell them without their consent. But I must tell you that if ever they and you agree to sell, no paper which I can give you can prevent your doing what you please with your own. The only way to prevent this is to give to every one of your people a farm, which shall belong to him and his family, and which the nation shall have no right to take from them and sell; in this way alone can you ensure the lands to your descendants through all generations, and that it shall never be sold from under their feet. It is not the keeping your lands which will keep your people alive on them after the deer and buffalo shall have left them; it is the cultivating them alone which can do that. The hundredth part in corn and cattle will support you better than the whole in deer and buffalo.

My son Hendrick, deliver these words to your people. I have spoken to them plainly, that they may see what is before them, and that it is in their

own power to go on dwindling to nothing, or to become again a great people. It is for this reason I wish them to live in peace with all people, to teach their young men to love agriculture, rather than war and hunting. Let these words sink deep in their hearts, and let them often repeat them and consider them. Tell them that I hold them fast by the hand, and that I will ever be their friend to advise and to assist them in following the true path to their future happiness.

WASHINGTON, December 21, 1808.

To Kitchao Geboway:—

My Son,—I am happy to receive your visit at the seat of our government, and to repeat to you the assurances of my friendly dispositions towards your nation. I am the more pleased to see you again, as at your last visit we could not converse together for want of an interpreter. This difficulty is now removed by the presence of Mr. Ryley. I approve of your disposition, my son, to live at peace with all the world. It is what we wish all our red children to do, and to consider themselves as brethren of the same family, and forming with us but one nation. The Great Spirit did not make men that they might destroy one another, but doing to each other all the good in their power, and thus filling the land with happiness instead of misery and murder. This is the way in which we wish all our

red children to live with one another, and with us; and this is what I wish you to say to your nation from me, when you deliver to them what I said to you the last winter. I am sorry you have not been able to carry it to them; they would have seen by that, that you came here as the friend of your own nation, and of all your red brethren. My son, I take by the hand the young man, the son of your friend, whom you brought with you. He is now young, and I hope will live to be old, and through his life will be steadfast in encouraging his nation to live in peace and friendship with their white brethren of the United States.

The Secretary of War will provide for your journey back, and your father Governor Hull will be glad to see you on your way. He will always give good advice to your nation in my name, and will guide them in the paths of peace and friendship with all men.

WASHINGTON, January 9, 1809.

To the Deputies of the Cherokee Upper Towns:—

My Children,—I have maturely considered the speeches you have delivered me, and will now give you answers to the several matters they contain.

You inform me of your anxious desires to engage in the industrious pursuits of agriculture and civilized life. That finding it impracticable to induce the nation at large to join in this, you wish a line

of separation to be established between the upper and lower towns, so as to include all the waters of the Hiwassee in your part, and that having thus contracted your society within narrower limits, you propose within these to begin the establishment of fixed laws and of regular government. You say that the lower towns are satisfied with the division you propose; and on these several matters you ask my advice and aid.

With respect to the line of division between yourselves and the lower towns, it must rest on the joint consent of both parties. The one you propose seems moderate, reasonable, and well defined. We are willing to recognize those on each side of that line as distinct societies, and if our aid shall be necessary to mark it more plainly than nature has done, you shall have it. I think with you, that on this reduced scale it will be more easy for you to introduce the regular administration of laws.

In proceeding to the establishment of laws, you wish to adopt them from ours, and such only for the present as suit your present condition; chiefly, indeed, those for the punishment of crimes, and the protection of property. But who is to determine which of our laws suit your condition, and shall be in force with you? All of you being equally free, no one has a right to say what shall be law for the others. Our way is to put these questions to the vote, and to consider that as law for which the majority votes. The fool has as great a right to

express his opinion by vote as the wise, because he is equally free, and equally master of himself. But as it would be inconvenient for all your men to meet in one place, would it not be better for every town to do as we do? that is to say, choose by the vote of the majority of the town and of the country people nearer to that than to any other town, one, two, three, or more, according to the size of the town, of those whom each voter thinks the wisest and honestest men of their place, and let these meet together and agree which of our laws suit them. But these men know nothing of our laws; how then can they know which to adopt? Let them associate in their council our beloved man living with them, Colonel Meigs, and he will tell them what our law is on any point they desire. He will inform them, also, of our methods of doing business in our councils, so as to preserve order, and to obtain the vote of every member fairly. This council can make a law for giving to every head of a family a separate parcel of land, which, when he has built upon and improved, it shall belong to him and his descendants forever, and which the nation itself shall have no right to sell from under his feet; they will determine, too, what punishment shall be inflicted for every crime. In our States, generally, we punish murder only by death, and all other crimes by solitary confinement in a prison.

But when you shall have adopted laws, who are to execute them? Perhaps it may be best to permit

every town and the settlers in its neighborhood attached to it, to select some of their best men, by a majority of its votes, to be judges in all differences, and to execute the law according to their own judgment. Your council of representatives will decide on this or such other mode as may best suit you. I suggest these things, my children, for the consideration of the upper towns of your nation, to be decided on as they think best; and I sincerely wish you may succeed in your laudable endeavors to save the remains of your nation by adopting industrious occupations and a government of regular law. In this you may always rely on the counsel and assistance of the government of the United States. Deliver these words to your people in my name, and assure them of my friendship.

WASHINGTON, January 9, 1809.

To the Deputies of the Cherokees of the Upper and Lower Towns:—

My Children,—I understand from the speeches which you have delivered me, that there is a difference of disposition among the people of both parts of your nation, some of them desiring to remain on their lands, to betake themselves to agriculture and the industrious occupations of civilized life, while others, retaining their attachment to the hunter life, and having little game on their present lands, are desirous to remove across the Mississippi, to

some of the vacant lands of the United States, where game is abundant. I am pleased to find so many disposed to ensure, by the cultivation of the earth, a plentiful subsistence for their families, and to improve their minds by education; but I do not blame those who, having been brought up from their infancy to the pursuit of game, desire still to follow it to distant countries. I know how difficult it is for men to change the habits in which they have been raised. The United States, my children, are the friends of both parties, and as far as can reasonably be asked, they will be willing to satisfy the wishes of both. Those who remain may be assured of our patronage, our aid, and good neighborhood; those who wish to remove, are permitted to send an exploring party to reconnoitre the country on the waters of the Arkansas and White rivers, and the higher up the better, as they will be the longer unapproached by our settlements, which will begin at the mouths of those rivers. The regular districts of the government of St. Louis are already laid off to the St. Francis. When this party shall have found a tract of country suiting the emigrants, and not claimed by other Indians, we will arrange with them and you the exchange of that for a just portion of the country they leave, and to a part of which proportioned to their numbers they have a right. Every aid towards their removal, and what will be necessary for them there, will then be freely administered to them, and when established in their

new settlements, we shall still consider them as our children, give them the benefit of exchanging their peltries for what they want at our factories, and always hold them firmly by the hand.

I will now, my children, proceed to answer your kind address on my retiring from the government. Sensible that I am become too old to watch over the extensive concerns of the seventeen States and their territories, I requested my fellow citizens to permit me to retire, to live with my family, and to choose another President for themselves and father for you. They have done so; and in a short time I shall retire, and resign into his hands the care of your and our concerns. Be assured, my children, that he will have the same friendly dispositions towards you which I have had, and that you will find in him a true and affectionate father. Indeed, this is now the disposition of all our people towards you; they look upon you as brethren, born in the same land and having the same interests. Tell your people, therefore, to entertain no uneasiness on account of this change, for there will be no change as to them. Deliver to them my adieux, and my prayers to the Great Spirit for their happiness. Tell them that during my administration I have held their hand fast in mine, and that I will put it into the hand of their new father, who will hold it as I have done.

WASHINGTON, January 10, 1809.

To the Chiefs of the Wyandots, Ottawas, Chippewas, Powtewatamies and Shawanese:—

My Children,—This is the first time I have had the pleasure of seeing the distinguished men of our neighbors the Wyandots, Ottawas and Chippewas, at the seat of our government. I welcome you to it as well as the Powtewatamies and Shawanese, and thank the Great Spirit for having conducted you hither in safety and health. I take you and your people by the hand and salute you as my children; I consider all my red children as forming one family with the whites, born in the same land with them, and bound to live like brethren, in peace, friendship and good neighborhood. In former times, my children, we were not our own masters, but were governed by the English. Then we were often at war with our neighbors. Ill blood was raised and kept up between us, and in the war in which we threw off the English government, many of the red people, mistaking their brothers and real friends, took sides with the English government against us; and it was not till many years after we made peace with the English, that the treaty of Greeneville closed our last wars with our Indian neighbors. From that time, my children, we have looked on you as a part of ourselves, and have cherished your prosperity as our own. We saw that these things were wasting away your numbers to nothing; that the intem-

perate use of ardent spirits produced poverty, trouble and murders among you; your wars with one another were lessening your numbers, and attachment to the hunter life, after game had nearly left you, produced famine, sickness and deaths among you in the scarce season of every year. It has been our endeavor, therefore, like true fathers and brothers, to withhold strong liquors from you, to keep you in peace with one another, and to encourage and aid you in the culture of the earth, and raising domestic animals, to take the place of the wild ones. This we have done, my children, because we are your friends, and wish you well. If we feared you, if we were your enemies, we should have furnished you plentifully with whiskey, let the men destroy one another in perpetual wars, and the women and children waste away for want of food, and remain insensible that they could raise it out of the earth. We have been told, my children, that some of you have been doubting whether we or the English were your truest friends. What do the English do for you? They furnish you with plenty of whiskey, to keep you in idleness, drunkenness and poverty; and they are now exciting you to join them in war against us, if war should take place between them and us. But we tell you to stay at home in quiet, to take no part in quarrels which do not concern you. The English are now at war with all the world, but us, and it is not yet known whether they will not force us also into it. They are strong on the

water, but weak on the land. We live on the land and we fear them not. We are able to fight our own battles; therefore we do not ask you to spill your blood in our quarrels, much less do we wish to be forced to spill it with our own hands. You have travelled through our country from the lakes to the tide-waters. You have seen our numbers in that direction, and were you to pass along the sea-shore you would find them much greater. You know the English numbers, their scattered forts and string of people, along the borders of the lakes and the St. Lawrence; how long do you think it will take us to sweep them out of the country? and when they are swept away, what is to become of those who join them in their war against us? My children, if you love the land in which you were born, if you wish to inhabit the earth which covers the bones of your fathers, take no part in the war between the English and us, if we should have war. Never will we do an unjust act towards you. On the contrary, we wish to befriend you in every possible way; but the tribe which shall begin an unprovoked war against us, we will extirpate from the earth, or drive to such a distance as that they shall never again be able to strike us. I tell you these things, my children, not to make you afraid. I know you are brave men and therefore cannot fear. But you are also wise men and prudent men. I say it, therefore, that, in your wisdom and prudence, you may look forward. That you may go to the graves

of your fathers and say, "fathers, shall we abandon you?" That you may look in the faces of your wives and children and ask, "shall we expose these our own flesh and blood to perish from want in a distant country and have our race and name extinguished from the face of the earth?" Think of these things, my children, as wise men, and as men loving their fathers, their wives and children, and the name and memory of their nation. I repeat, that we will never do an unjust act towards you. On the contrary, we wish you to live in peace, to increase in numbers, to learn to labor as we do, and furnish food for your increasing numbers, when the game shall have left you. We wish to see you possessed of property, and protecting it by regular laws. In time, you will be as we are; you will become one people with us. Your blood will mix with ours; and will spread, with ours, over this great island. Hold fast, then, my children, the chain of friendship which binds us together, and join us in keeping it forever bright and unbroken.

I invite you to come here, my children, that you might hear with your own ears, the words of your father; that you might see with your own eyes, the sincere disposition of the United States towards you. In your journey to this place you have seen great numbers of your white brothers; you have been received by them as brothers, have been treated kindly and hospitably, and you have seen and can tell your people that their hearts are now sincerely

with you. This is the first time I have ever addressed your chiefs, in person, at the seat of government,—it will also be the last. Sensible that I am become too old to watch over the extensive concerns of the seventeen States and their territories, I requested my fellow citizens to permit me to retire to live with my family, and to choose another President for themselves, and father for you. They have done so; and in a short time I shall retire and resign into his hands the care of your and our concerns. Be assured, my children, that he will have the same friendly dispositions towards you which I have had, and that you will find in him a true and affectionate father. Indeed this is now the disposition of all our people towards you; they look upon you as brethren, born in the same land, and having the same interests. Tell your people, therefore, to entertain no uneasiness on account of this change, for there will be no change as to them. Deliver to them my adieus, and my prayers to the Great Spirit for their happiness. Tell them that during my administration, I have held their land fast in mine; and that I will put it into the hand of their new father, who will hold it as I have done.

WASHINGTON, January 18, 1809.

To the Chiefs of the Ottawas, Chippewas, Powtewatamies, Shawanese and Wyandots:—

My Children,—I have considered the speech you have delivered me, and will now make answer to it. You have gone back to ancient times, and given a true history of the uses made of you by the French, who first inhabited your country, and afterwards by the English; and how they used you as dogs to set upon those whom they wanted to destroy. They kept the hatchet always in your hand, exposing you to be killed in their quarrels, and then gave you whiskey that you might quarrel and kill one another. I am glad you understand these things, and are determined no more to fight their battles. We shall never wish you to fight ours, but to stay at home in peace and take care of yourselves. You still wish, however, to keep up a correspondence with the English, because you say your young people find an advantage in it. The less you have to do with them the better, because all their endeavors will be, as you know, to persuade you to go to war for them. If they owe you for lands, they ought to pay you once for all and be done with it. With respect to your people on the English side of the water, should we have war with the English, let them remain neutral and we shall not disturb them; but if the English should endeavor to force them into the war, you would do well to receive them

and let them live with you till we can clear the way for them to go back again, which will not take long.

You ask me what passed between this government and the Little Turtle, the chiefs of the Chippewas, Powtewatamies, Shawanese, Ottawas, Isaac Williams, the Crane and the Delawares, at their visits to the seat of this government many years ago. Those visits were in the time of my predecessors, so that I did not hear their speeches, and they did not leave them in writing. It is not in my power, therefore, to tell you what they were. But I can assure you that when the Little Turtle visited me, and in like manner when the chiefs of other tribes have visited me, not one word was ever said to the prejudice of the other Indians. I have no reason to believe they wished to speak to me in that way, but if they did, they knew I would not listen to them, and therefore did not do it. My advice to them all has been constantly to live in peace and friendship with one another, to begin to cultivate the earth, to raise domestic animals, and leave off the use of ardent spirits: in short, precisely what I have said to yourselves.

You ask whether the treaties at Swan's Creek, and those of the last fall, and the fall before, were made by my desire. I will explain the subject to you. We consider your lands as belonging fully to yourselves, and that we have no right to purchase them but with your own free consent. Whenever you wish to sell, we are willing to buy, although

it may be lands which we do not immediately want. We believe it to be for your benefit to sell a part of your lands for annuities, which may enable you to improve farms, and in the meantime to support yourselves. While you keep such large tracts of country, the few deer which remain tempt you to continue hunters, and are yet not enough to maintain you plentifully through the year. A small part of the land cultivated in corn, with the cattle, hogs, and sheep it would enable you to raise, would maintain you better through the year, than the whole does in game. A thorough persuasion, therefore, that it is better for you to turn your surplus lands from time to time into money, induces us to buy when you desire to sell. On this principle, at the treaty of Swan's Creek we purchased the slip of land which lay between what you sold to the Connecticut company and our former lines. We had no particular desire to buy it, but were told that it would be convenient to you to sell that parcel, and therefore we bought it.

The lands which were purchased of you near Detroit the last fall and the fall before, we did wish to purchase, provided you were willing freely to sell. At Detroit, you know, we keep a garrison to watch the English, and to protect the factory we establish there, to carry on trade with you. It is very desirable for us, therefore, to obtain so much land in the neighborhood as would receive settlers sufficient to raise provisions for the garrison, and to

strengthen the garrison if attacked by the English. But still we instructed Governor Hull, however much we wished to get some land there, not to press it on you if you were not entirely willing to accommodate us. The settlement of our people there will be a great advantage to you if you become cultivators of the earth. You saw the Cherokees who were here when you arrived, my children. These were wealthy men, and became wealthy merely by living near our settlements. Their mother towns of Chota and Chilowee, are but twelve miles from our principal town of Knoxville. The Cherokees there have good farms, good houses, and abundance of cattle and horses. If a family raises more cattle or corn than they want for their own use, instead of letting it be eaten by their own lazy people who will not work, they carry it to Knoxville, sell it to our people, and purchase with the money clothes and other comforts for themselves. Our settlements around Detroit will give you the same advantages. If you become farmers and raise cattle, hogs, sheep, fowls, and such things to spare, you can immediately exchange them for clothing and other necessaries. I am satisfied, therefore, my children, that the accommodating us with that land was as beneficial to you as to us. But, notwithstanding, I believe it to be better for you to sell your surplus lands from time to time; yet I repeat to you the assurances that although we may go so far, sometimes, as to say we would be willing to buy such a

piece of land, yet we will never press you to sell, until you shall desire yourselves to sell it.

I have thus, my children, answered the particulars of your speech. I have done it with truth and an open heart, and I hope it will be satisfactory to you.

WASHINGTON, January 31, 1809.

To the Chiefs of the Ottawas, Chippewas, Powtewatamies, Wyandots, and Shawanese:—

My Children,—I have considered the speech you have delivered me, and I will now give you an answer to it.

You have told us on former occasions of certain promises made to you at the treaty of Greeneville, by General Wayne, respecting certain lands whereon you and your friends live. But when we looked into the treaty of Greeneville, we found no such promises there; and as it is our custom to put all our agreements into writing, that they may never be forgotten or mistaken, we concluded no such promises had been made. But you now explain that the chiefs of the Wyandots near Detroit did not arrive at Greeneville till after the treaty was signed—that they then convinced General Wayne that provision ought to be made for securing to them possession of the lands they lived on, so long as they and their descendants shall choose to live on them, and that he agreed to it. Of this, besides other evidence, you now produce the belt of wampum reserved by

you, in memory of it, the counter-belt given us having probably been destroyed in the fire which consumed our War Office in the year 1800. Such evidence, therefore, being now produced as induces a belief of the agreement, it shall be committed to writing, according to what has passed between the Secretary of War and yourselves; and we will also put into writing what has passed respecting the reserves for the Indians, and you shall have a copy of these writings which shall be firm and good to you forever.

You complain that white people go on your lands and settle without your consent. This is entirely against our will, and I earnestly desire you, my children, as soon as any intruder of the whites sets down on your lands, that you will not delay a moment to inform our agent, who will always be instructed in the measures to be taken for their immediate removal; and I desire you to do this, on your return, as to the intruders you now complain of.

The Secretary of War has explained to you the circumstances which attended the running the boundary line near Sandusky, under the treaty at Swan's Creek, so as to satisfy you that no variation of it was intended; and you may be assured that when we proceed to run the lines for the roads granted us the last fall, you shall have notice, in order that your chiefs may attend and see it fairly done.

For these roads, with which your nations have been

so friendly as to accommodate us, and which you wished us to accept as a present, I return you my thanks, and I accept them; and I request you, on our part, to accept as a token of our good will, the sum of a thousand dollars, of which five hundred dollars will be paid you here. And we shall be happy if you can employ this sum to your benefit or comfort in any way. Our settlements are now extending so much in every direction, that we shall be obliged to ask roads from our Indian brethren, that we may pass conveniently from one settlement to another, for which we will always gladly pay them the full value.

You have been informed, as you desired, of the exact amount of your annuities.

I have thus, my children, answered all the parts of your speech, and I have done it sincerely and with good will to you. I have not filled you with whiskey, as the English do, to make you promise, or give up what is against your interest, when out of your senses. I have listened to your complaints and proposals, I have found them reasonable, and I have given you the answers which a just and a reasonable nation ought to do. And this you may be assured is the way in which we shall always do business with you, because we do not consider you as another nation, but as a part of us, living indeed under your own laws, but having the same interests with us. I hope you will tell these things to your people, and that they will sink deep into their minds.

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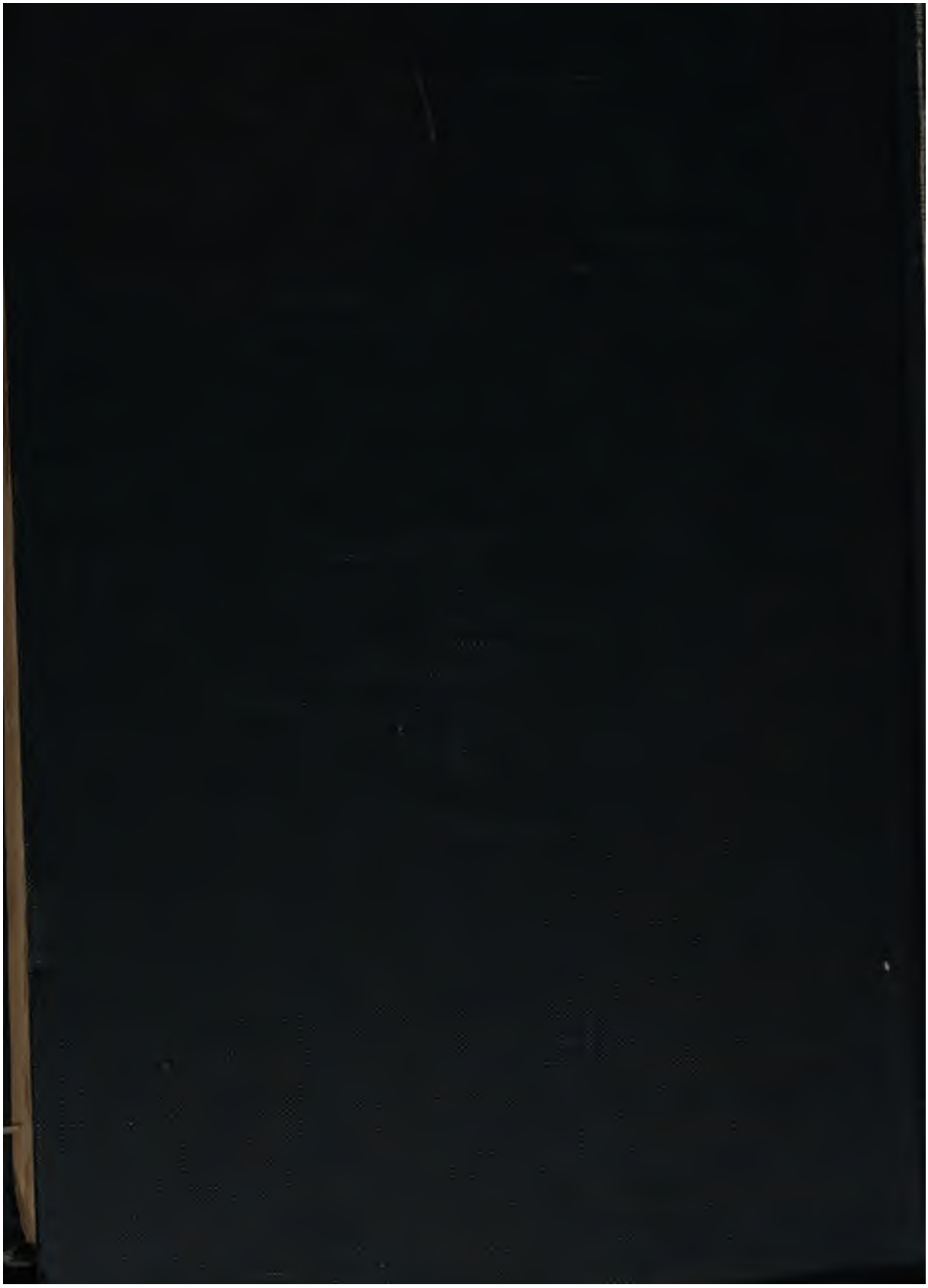
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